

## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE  
710 E STREET • SUITE 200  
EUREKA, CA 95501-1865  
VOICE (707) 445-7833  
FACSIMILE (707) 445-7877



# W 18a

Filed: October 30, 2007  
49<sup>th</sup> Day: December 18, 2007  
Hearing Opened: December 14, 2007  
Staff: Melissa B. Kraemer  
Staff Report: October 30, 2008  
Hearing Date: November 12, 2008  
Commission Action:

## **STAFF REPORT: APPEAL**

### **DE NOVO**

APPEAL NO.: **A-1-MEN-07-043**

APPLICANT: **Gualala Community Services District**

LOCAL GOVERNMENT: County of Mendocino

DECISION: Approval with Conditions

PROJECT LOCATION: Approximately one mile northeast of Gualala, along a right-of-way segment beneath Old Stage Road (CR #502), beginning approximately 0.9 miles north of State Highway 1 at the intersection of Bodhi Tree Lane, and extending to an access road to the proposed Arena Union Elementary School at 39290 Old Stage Road.

PROJECT DESCRIPTION: Extension of a 6-inch diameter wastewater main approximately 1.25 miles (~6,500 feet) within the County road right-of-way from an existing Gualala Community Services District system to serve a proposed new K-through-5 school in Gualala.

APPELLANTS: Commissioner Mary K. Shallenberger  
Commissioner Sara J. Wan

SUBSTANTIVE FILE DOCUMENTS: 1) Mendocino County CDU No. 9-2005;  
2) Appeal No. A-1-MEN-07-044;

- 3) Gualala Community Services District Wastewater Pipeline Extension, Initial Study and Mitigated Negative Declaration, January 2005, SCH No. 2005022008;
- 4) *Geotechnical Investigation, Planned Sewer Main Improvements, Old Stage Road, Gualala, California*, November 18, 2005, Bauer Associates Geotechnical Consultants, Forestville;
- 5) *Gualala Community Services District Sewer Feasibility Study, Expansion of Sewage Collection System, Evaluation of Wastewater Treatment Facility*, February 2003, Winzler & Kelly Consulting Engineers, Eureka;
- 6) *Negative Archaeological Survey Report for the Gualala Community Services District (GCSD)- Sewer Expansion Project, Mendocino County, California*, February 22, 2005, Sentinel Archaeological Research, LLC, Geyserville;
- 7) Letter dated May 31, 2005 from Ms. Jane Valerius of Jane Valerius Environmental Consulting, Sebastopol, to Mr. Ernie Ralston of Matrix Environmental Planning, Healdsburg, reporting the negative results of a May 27, 2005 botanical survey of the proposed sewer line extension project area;
- 8) Mendocino County Local Coastal Program.

---

### **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission approve with conditions the coastal development permit for the proposed project. Staff believes that as conditioned, the development would be consistent with the policies and standards of the certified Mendocino County Local Coastal Program (LCP).

The proposed development involves extension of a 6-inch diameter wastewater main approximately 1.25 miles (~6,500 feet) within the County road right-of-way from the existing Gualala Community Services District (GCSD) system to serve a proposed new K-through-5 elementary school in Gualala (see agenda item W-17b). Due to seasonally high ground water levels and low permeable soils, it is not feasible for the Arena Union Elementary School District to develop an on-site sewage disposal system at the proposed school site.

The proposed sewer line extension would be located approximately one mile northeast of Gualala, along a right-of-way segment beneath Old Stage Road (CR #502), beginning approximately 0.9 miles north of State Highway 1 at the intersection of Bodhi Tree Lane, and extending to an access road to the proposed school at 39290 Old Stage Road (Exhibit Nos. 1, 2, and 3).

There is limited vegetation within the road shoulder of Old Stage Road along the project area corridor. Most of the roadside is occupied by rural residential houses and landscaped yards. Some native forest vegetation occurs within 50 feet of the paved road, including redwood, Bishop pine, Douglas-fir, manzanita, toyon, evergreen huckleberry, bracken fern, and various grasses and herbs. Much of the roadside vegetation along the project area corridor, however, consists of invasive weeds such as French broom, Scotch broom, jubata grass, Himalayan blackberry, blackwood acacia, and blue gum.

The GCSD was formed in 1986 to provide wastewater collection and treatment to the unincorporated Gualala area. The District service territory is divided into four zones: zones 1 and 2 represent the commercial and residential development closest to the coast, and zones 3 and 4 represent the rural residential development further up in the hills (see Exhibit No. 2). The inland boundary of zones 1 and 2 is roughly coincident with the urban/rural boundary as delineated in the certified Mendocino County LCP on Land Use Map 31 (see Exhibit No. 4). This boundary is also roughly coincident with the District's service area boundary. The approved sewer extension would extend sewer service from zone 1 to the proposed school, which is located in zone 4.

According to the Gualala Town Plan, the GCSD wastewater treatment system has a capacity of 625 Equivalent Single-Family Dwellings (ESDs). According to information submitted by the applicant for purpose of the Commission's *de novo* review, approximately 135 ESDs currently remain in the system. The applicant estimates that approximately 12 percent (~20 ESDs) of the remaining system capacity would be devoted to the proposed new K-through-5 school at 39290 Old Stage Road (agenda item W-17b).

LUP Policy G3.1-2 of the Gualala Town Plan states in part, that new development in the Gualala area shall be concentrated within the urban side of the urban-rural boundaries, where it can be served by community sewer systems. This policy does not preclude development or providing sewer service to development outside of the urban-rural boundary, the policy only requires that development be concentrated on the urban side of the boundary. Thus, even though the proposed school will be built on the rural side of the urban-rural boundary, the development of a school by itself in the rural area and providing sewer service to the school can be found consistent with LUP Policy G3.1-2. However, if extension of the sewer line to the school were allowed to induce additional growth in the rural area, the installation of the sewer line would not serve to concentrate development on the urban side of the urban-rural boundary as required by LUP Policy G3.1-2. This issue of growth inducement is of particular concern given that the applicant is proposing a use a 6-inch diameter line for the proposed sewer line extension, which is sized to accommodate an unspecified amount of additional development in zones 4 and 3 within the rural area than just the school itself. Evidence in the local record indicates that a 4-inch line would be adequate to serve the proposed school. The applicant's reasoning for proposing a 6-inch line is that installing the larger diameter pipeline is fiscally and environmentally prudent to avoid installation of a second pipeline if future service is extended into the adjacent unserved territory. Given the limited remaining capacity of the existing sewer system, if extension of the line were approved in a manner that allowed for other new development to hook-up to the line, allowing hookups outside of the service area and urban area may come at the expense of hookups for development within the urban area and within the service area of the District. The amount of

capacity available in the sewer system to serve additional growth beyond that needed to serve the proposed school is unclear. The letter from the applicant providing the additional sewer capacity information for purposes of the Commission's *de novo* review states that the "adequacy of our capacity is very difficult to determine." More importantly, the letter does not respond to requests for information addressing the demand for sewer capacity that will be generated within the existing service area of the District over the 30 year planning horizon of the Gualala Town Plan (GTP) portion of the certified Mendocino County LUP. The GTP points out that the remaining ESDs may not be sufficient to accommodate the demands for sewer connections for the 30-year planning horizon of the Town Plan.

This potential shortfall of capacity is of particular concern in relation to the provision of priority uses. LUP Policies 3.7-5 and G3.7-8 state that lower cost visitor and recreational facilities shall be protected and encouraged, and development providing public recreational opportunities is preferred. The zoning districts that allow for lower cost visitor-serving and recreational opportunities within the Gualala area are mostly located on the urban side of the urban/rural boundary. As discussed above, facilitating hookups for residential development outside of the urban/rural boundary would reduce the limited remaining sewer capacity available for priority visitor-serving and recreational uses within the urban zoning districts. Visitor-serving uses are considered a priority use under Chapter 3 of the Coastal Act, and providing visitor-serving facilities to enable the people of California to visit and enjoy the coast is a matter of statewide concern and significance.

Therefore, as the proposed project could facilitate additional residential growth outside of the urban/rural boundary contrary to the requirements of LUP Policy G3.1-2 to concentrate development on the urban side of the boundary, staff recommends Special Condition Nos. 1 and 2. Special Condition No. 1 would require that prior to permit issuance the applicant submit evidence that the Arena Union Elementary School District has obtained all necessary permits for construction of the new school. This condition ensures that the proposed sewer line extension will not be constructed and its potential growth-inducing impacts incurred until there is assurance that the school development has been successfully approved and will move forward. To ensure that installation of the sewer line does not induce new development on the rural side of the urban-rural boundary inconsistent with LUP Policies 3.8-8 and G3.1-2, staff recommends Special Condition No. 2. This special condition would prohibit the permittee from allowing a sewer service connection to the sewer line extension for any new development other than (1) the Arena Union Elementary School proposed under Coastal Development Permit Application No. A-1-MEN-07-044, and (2) residences and other development that exist as of the date of the Commission's approval of the permit that are served by on-site septic systems that are failing. The permittee may allow a service connection to the sewer line extension for such development only after obtaining a Commission amendment to Coastal Development Permit No. A-1-MEN-07-043 that expressly authorizes the connection. Staff believes that allowing existing development with failing septic systems to connect to the sewer line extension would resolve groundwater and surface water contamination problems associated with the failing septic systems that are adversely affecting coastal resources and would be consistent with the requirements of LUP Policy G3.1-2 to concentrate development within the urban-rural boundary, as such connections would not accommodate new growth, only existing development.

Additionally, staff recommends, among others, Special Condition No. 3 to minimize geologic hazards, Special Condition No. 4 to require submittal of an erosion, runoff control, and spill prevention and response plan(s), Special Condition No. 5, which specifies various construction responsibilities that must be adhered to, Special Condition No. 6 to require submittal of a debris disposal plan, Special Condition No. 7 to protect adjacent wetland habitat, and Special Condition No. 8 to protect archaeological resources.

As conditioned, staff believes that the proposed project is consistent with all relevant policies of the certified Mendocino County LCP.

*The Motion to adopt the Staff Recommendation of Approval with Conditions is on page 5.*

---

## **I. STAFF RECOMMENDATION, MOTION & RESOLUTION ON DE NOVO**

The staff recommends that the Commission adopt the following resolution:

### **Motion:**

*I move that the Commission approve Coastal Development Permit No. A-1-MEN-07-043, subject to conditions.*

### **Staff Recommendation of Approval:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **Resolution to Approve Permit:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on the grounds that the development as conditioned will be in conformity with the certified Mendocino County LCP. Approval of the permit complies with the California Environmental Quality Act because either: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment; or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

---

---

## **STAFF NOTES**

### **1. Procedure**

On December 14, 2007, the Coastal Commission found that the appeal (Exhibit No.6) of Mendocino County's approval of Permit No. CDU 9-2005 (Exhibit No. 5) for the subject development raised a substantial issue with respect to the grounds on which the appeal had been filed, pursuant to Section 30625 of the Coastal Act and Section 13115 of Title 14 of the California Code of Regulations. As a result, the County's approval is no longer effective, and the Commission must consider the merits of the project *de novo*. The Commission may approve, approve with conditions (including conditions different than those imposed by the County), or deny the application. Since the proposed project is within an area for which the Commission has certified a Local Coastal Program, but not between the first public road and the sea, the applicable standard of review for the Commission to consider is whether the development is consistent with Mendocino County's certified Local Coastal Program (LCP). Testimony may be taken from all interested persons at the *de novo* hearing.

### **2. Additional Information Submitted by the Applicant for *De Novo* Review**

Since the appeal was filed on October 30, 2007 (see Exhibit No. 6), the applicant submitted additional information that was not part of the local record when the County originally acted to approve the coastal development permit. In a letter to Commission staff dated February 19, 2008 (Exhibit No. 8), the applicant addresses the remaining unused capacity of the GCSW wastewater treatment system, the amount of capacity necessary to serve the proposed school and failing septic systems within the 1.25-mile sewer extension project stretch, and other issues.

### **3. Related Agenda Item**

At the November 12, 2008 Commission meeting, the Commission will also hold a public hearing on related Appeal No. A-1-MEN-07-044 (Arena Union Elementary School District) to construct a new K-through-5 school complex at 39290 Old Stage Road, which would be served by the proposed sewer line extension. The Arena Union Elementary School District appeal is agendaized as Item W-17b, and a separate staff report has been prepared for that project that may be obtained from the Commission's North Coast office or downloaded from the Commission's website. If the Commission finds that Appeal No. A-1-MEN-07-044 raises a substantial issue of conformance with the policies and standards of the certified Mendocino County LCP, the Commission may decide to hold a joint continued public hearing on the Commission's *de novo* review of both appeals.

---

**II. STANDARD CONDITIONS See Appendix A.**

**III. SPECIAL CONDITIONS**

**1. Proof of Need for Proposed Sewer Line Extension**

**PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-MEN-07-043**, the applicant shall submit for the review and approval of the Executive Director evidence that the Arena Union Elementary School District has obtained approvals from all other governmental agencies requiring permits for construction of the new school at 39290 Old Stage Road pursuant to CDP No. A-1-MEN-07-044.

**2. Restriction on Individual Hookups to the Approved Sewer Line Extension**

No development shall be allowed a sewer service connection to the sewer line extension approved pursuant to Coastal Development Permit No. A-1-MEN-07-043 other than the Arena Union Elementary School proposed under Coastal Development Permit Application No. A-1-MEN-07-044, except for residences and other development that exist as of the date of the Commission's approval of Coastal Development Permit No. A-1-MEN-07-043 that are served by on-site septic systems that are failing. The permittee may allow a service connection to the sewer line extension for such development only after obtaining a Commission amendment to Coastal Development Permit No. A-1-MEN-07-043 that expressly authorizes the connection.

**3. Minimization of Geologic Hazards**

A. All final design and construction plans shall be consistent with the recommendations contained in the Geotechnical Investigation report dated November 18, 2005 prepared by Bauer Associates (Job No. 2278.0). **PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-MEN-07-043**, the applicant shall submit, for the Executive Director's review and approval, evidence that a licensed professional (Certified Engineering Geologist or Geotechnical Engineer) has reviewed and approved all final design and construction plans and has certified that each of those plans is consistent with all of the recommendations specified in the above-referenced geotechnical report approved by the California Coastal Commission for the project site.

B. A licensed engineering geologist, or a registered civil engineer with soil analysis expertise, shall be retained to supervise the sewer extension installation work to ensure that the mitigation measures are properly incorporated into the development.

C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**4. Erosion, Runoff Control, and Spill Prevention and Response Plan**

A. **PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-MEN-07-043**, the applicant shall submit, for the review and approval of the Executive Director, a plan(s) for erosion, run-off control, and spill prevention.

- (1) The erosion, run-off control, and spill prevention and response plan(s) shall demonstrate that:
  - a. Run-off from the project site shall not increase sedimentation in coastal waters;
  - b. Run-off from the project site shall not result in pollutants entering coastal waters;
  - c. Best Management Practices (BMPs) shall be used to prevent the entry of polluted stormwater runoff into coastal waters during the construction, including but not limited to the following:
    - (i.) Stormwater runoff diversion immediately up-gradient of the excavation for building foundations; and
    - (ii.) Use of relevant best management practices (BMPs) as detailed in the “California Storm Water Best Management (New Development and Redevelopment, Construction, and Industrial/Commercial) Handbooks, developed by Camp, Dresser & McKee, *et al.* for the Storm Water Quality Task Force (see <http://www.cabmphandbooks.com>); and
  - d. Any disturbed areas shall be replanted or seeded as soon as possible following completion of construction, consistent with the planting limitations required by Special Condition No. 5, and there shall be no less than 100 percent coverage by 90 days after seeding;
  - e. The erosion rate shall not exceed the natural or existing level before development.
  - f. Adjoining property shall be protected from excavation and filling operations and potential soil erosion;
  - g. The plan shall be consistent with the requirements of all other special conditions, including but not limited to Special Condition No. 5.
- (2) The plan(s) shall include, at a minimum, the following components:
  - a. A schedule for installation and maintenance of appropriate construction source control best management practices (BMPs) to prevent entry of stormwater run-off into the construction site and the entrainment of excavated materials into run-off leaving the construction site;
  - b. A schedule for installation, use and maintenance of appropriate construction materials handling and storage best management practices



(BMPs) to prevent the entry of polluted stormwater run-off from the completed development into coastal waters; and

- c. An on-site spill prevention and response program, consisting of best management practices (BMPs) for the storage of clean-up materials, training, designation of responsible individuals, and reporting protocols to the appropriate public and emergency services agencies in the event of a spill, shall be implemented at the project to capture and clean-up any accidental releases of oil, grease, fuels, lubricants, drilling fluids, or other hazardous materials.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

## **5. Construction Responsibilities**

The permittee shall comply with the mitigation measures listed in the Mitigated Negative Declaration completed for the project (Exhibit No. 7), except as modified herein. Construction-related requirements shall include, but shall not be limited to, the following Best Management Practices (BMPs):

- A. No construction materials, debris, or waste shall be placed or stored where it may be subject to entering coastal waters or wetlands;
- B. Any and all debris resulting from construction activities shall be removed from the project site within 10 days of project completion and disposed of at an authorized location pursuant to Special Condition No. 6;
- C. All earth-moving activities shall be conducted during the dry season period of May 15 through November 15; any earth-moving activity conducted between October 16 and November 15 shall be subject to the following conditions:
  - 1) All work shall cease upon the onset of precipitation at the project site and shall not recommence until the predicted chance of rain is less than 50 percent for the Gualala segment of the National Weather Service's forecast for Northwestern California;
  - 2) The work site(s) shall be winterized between work cessation periods by installing stormwater runoff and erosion control barriers around the perimeter of the construction site to prevent the entrainment of sediment into coastal waters; and
  - 3) Adequate stocks of stormwater runoff and erosion control barrier materials shall be kept onsite and made available for immediate use.
- D. If rainfall is forecast during the time construction activities are being performed, any exposed soil areas shall be promptly mulched or covered with plastic sheeting

and secured with sand bagging or other appropriate materials before the onset of precipitation;

- E. Any fueling and maintenance of construction equipment shall occur within upland areas outside of environmentally sensitive habitat areas or within designated staging areas. Mechanized heavy equipment and other vehicles used during the construction process shall not be stored or re-fueled within 100 feet of coastal waters;
- F. Only native and/or non-invasive plant species shall be planted at the site. No invasive exotic plant species shall be planted with any landscaping of the site. If documentation is provided to the Executive Director prior to planting that demonstrates that native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside of the local area may be used. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California, shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the governments of the State of California or the United States shall be utilized within the property;
- G. Rodenticides containing any anticoagulant compounds, including, but not limited to, Bromadiolone or Diphacinone shall not be used.

## 6. **Excavated Materials Disposal Plan**

- A. **PRIOR TO COMMENCEMENT OF DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT NO. A-1-MEN-07-043**, the applicant shall submit, for the review and approval of the Executive Director, a disposal plan for all of the excavated materials to be removed from the project site.
  - (1) The disposal plan shall demonstrate that:
    - a. No excavated materials to be removed shall be temporarily placed or stored during grading activities where it may be subject to entering coastal wetlands or other coastal waters; and
    - b. All of the fill to be removed shall be placed and used pursuant to, and consistent with, a valid permit, as well as consistent with the terms and conditions of this permit (CDP No. A-1-MEN-07-043). Placement of any such material within any wetland area is prohibited.
  - (2) The plan shall include, at a minimum, the following components:
    - a. A site plan showing all proposed locations for stockpiling construction materials, debris, or waste during excavated materials removal operations;
    - b. A description of the manner by which the materials will be removed from the construction site and identification of all debris disposal sites that will be used;
    - c. If the removed fill material is to be placed and used as part of a development approved by the Commission under a valid coastal

development permit, the permittee shall provide: (i) a copy of the approved permit, (ii) written permission from the owner of the property governed by the approved permit authorizing the fill, and (iii) a written description and site map indicating when and where the materials will be stockpiled for later use in the approved development; and

d. A schedule for removal of all debris.

B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

## **7. Protection of Adjacent Wetland Habitat**

**PRIOR TO COMMENCEMENT OF DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT NO. A-1-MEN-07-043**, a qualified biologist shall erect temporary exclusion fencing along the east side of Old Stage Road adjacent to the identified wetland area. The exclusion fencing shall be maintained throughout the duration of construction activities.

## **8. Protection of Archaeological Resources**

A. If an area of historic or prehistoric cultural resources or human remains are discovered during the course of the project, all construction shall cease and shall not recommence except as provided in subsection (B) hereof, and a qualified cultural resource specialist shall analyze the significance of the find.

B. A permittee seeking to recommence construction following discovery of the cultural deposits shall submit an archaeological plan for the review and approval of the Executive Director.

1) If the Executive Director approves the Archaeological Plan and determines that the Archaeological Plan's recommended changes to the proposed development or mitigation measures are *de minimis* in nature and scope, construction may recommence after this determination is made by the Executive Director.

2) If the Executive Director approves the Archaeological Plan but determines that the changes therein are not *de minimis*, construction may not recommence until after an amendment to this permit is approved by the Commission.

## **9. Mendocino County Encroachment Permit**

**PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-MEN-07-043**, the applicant shall submit to the Executive Director for review and written approval evidence of an Encroachment Permit or exemption from the Mendocino County Department of Transportation for construction of the proposed sewer line extension

within the public right-of-way as conditioned herein. The applicant shall inform the Executive Director of any changes to the project required by the County. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

**10. Conditions Imposed By Local Government**

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act.

**IV. FINDINGS & DECLARATIONS:**

The Commission hereby finds and declares the following:

**A. INCORPORATION OF SUBSTANTIAL ISSUE FINDINGS**

The Commission hereby incorporates by reference the Substantial Issue Findings contained in the Commission staff report dated November 30, 2007.

**B. SITE DESCRIPTION**

The proposed development involves extension of a 6-inch diameter wastewater main approximately 1.25 miles (~6,500 feet) within the County road right-of-way from the existing Gualala Community Services District (GCSD) system to serve a proposed new K-through-5 elementary school in Gualala (see agenda item W-17b). Due to seasonally high ground water levels and low permeable soils, it is not feasible for the Arena Union Elementary School District to develop an on-site sewage disposal system at the proposed school site.

The approved sewer line extension is located approximately one mile northeast of Gualala, along a right-of-way segment beneath Old Stage Road (CR #502), beginning approximately 0.9 miles north of State Highway 1 at the intersection of Bodhi Tree Lane, and extending to an access road to the proposed school at 39290 Old Stage Road (Exhibit Nos. 1, 2, and 3). A service connection from the school to the main is proposed to be installed along the school entrance road as part of the school construction.

There is limited vegetation within the road shoulder of Old Stage Road along the project area corridor. Most of the roadside is occupied by rural residential houses and landscaped yards. Some native forest vegetation occurs within 50 feet of the paved road, including redwood, Bishop pine, Douglas-fir, manzanita, toyon, evergreen huckleberry, bracken fern, and various grasses and herbs. Much of the roadside vegetation along the project area corridor, however, consists of invasive weeds such as French broom, Scotch broom, jubata grass, Himalayan blackberry, blackwood acacia, and blue gum.

There is a single environmentally sensitive habitat area – a small Palustrine emergent wetland – that occurs adjacent to the project area on the east side of the road near, but hydrologically disconnected from, the headwaters of China Gulch (see Exhibit No. 3). This wetland area, which is located within 5 feet of the road shoulder, contains wetland-oriented plants such as sedges and rushes. Because of the disturbed nature of the road, road shoulders, and other disturbed areas that have been identified as staging areas (including an old lumber area and a ball field), coupled with the residential development along the project stretch, the proposed project area will not adversely impact habitat for rare plant or animal species. Surveys for sensitive plant and wildlife species were conducted in the project area on December 13, 2004 and May 27, 2005 by Jane Valerius Environmental Consulting, and no special-status species were located. Additionally, an archaeological survey also was conducted for the project by Sentinel Archaeological Research, LLC in February of 2005, and no sensitive archaeological resources were found nor are expected to occur in the project area.

### **C. PROJECT DESCRIPTION**

The GCSD was formed in 1986 to provide wastewater collection and treatment to the unincorporated Gualala area. The District service territory is divided into four zones: zones 1 and 2 represent the commercial and residential development closest to the coast, and zones 3 and 4 represent the rural residential development further up in the hills (see Exhibit No. 2). The inland boundary of zones 1 and 2 is roughly coincident with the urban/rural boundary as delineated in the certified Mendocino County LCP on Land Use Map 31 (see Exhibit No. 4). This boundary is also roughly coincident with the District's service area boundary. The approved sewer extension would extend sewer service from zone 1 to the proposed school, which is located in zone 4.

The applicant completed a sewer feasibility study (Winzler & Kelly Engineering Consultants 2003), which assessed the feasibility of extending sewer service to GCSD zones 3 and 4, including an investigation of the cost of expanding the present collection system and establishing the most logical layout for current and future needs. The study also evaluated the current wastewater treatment facility in order to determine if it has the capacity to handle the additional flows.

The approved project involves two methods for installing the sewer extension: boring and trenching. Either method would take approximately four weeks to complete, and construction would be completed by October 1 of the year it is constructed to avoid the winter rainy season.

The primary construction technique for the installation of the PVC plastic pipe would be by directional bores drilled using a surface-operated drilling device angled into the ground and directed to its destination by remote control. Surface excavation would be required for the location of bore pits (for starting and ending bores and pipe tie-in points) and the placement of maintenance access holes. A 10-foot by 80-foot workspace would be located on the paved road and shoulder to stage drilling equipment and other construction materials. All construction activities would be limited to the paved travel lane and the disturbed/maintained road shoulder, with the majority of drilling equipment to be staged on the paved areas. Bores are generally drilled at the rate of 500 to 700 feet per day, and each bore would take one to two days to complete. Bentonite drilling fluid would be utilized to lubricate the drill bit, prevent the bore

tunnel from collapsing, and carry drill cuttings to the surface. Cuttings would be hauled from the site and disposed of at a permitted facility. Once the borehole is drilled, the drill stem would be connected to a pulling head, which is then connected to the segment of pre-fabricated PVC pipe. The pipe segment is then pulled back through the hole by the drilling rig.

In some locations, the open trench installation method would be used. The asphalt surface would be saw cut, and the 9-to-12-inch-wide trench would be excavated using a Ditchwitch 8020 Turbo trencher, or equivalent. Depth would be determined by the final design (which would maximize opportunities for gravity flow), but may be as deep as 6 feet. The pipe would be placed in the ditch on the same day the trench is excavated. Imported material consisting of Class 2 aggregate base compacted to 95 percent relative compaction or select structural fill below the roadway structural section would be used as backfill in lieu of trench spoils. Trench spoils and excavated asphalt would be recycled or disposed of at a permitted facility. The asphalt surface would be restored to an equal or better condition than previously existed and would be inspected and approved by the Mendocino County Transportation Department inspector. Construction work space would be a minimum of 10-feet-wide, typically occupying an entire travel lane and the adjacent shoulder. Manholes for maintenance access would be installed at angle points in the line or at a maximum spacing of 1,000 feet. Manholes would measure 48 inches in diameter and have a depth of approximately 6 feet.

The applicant completed a Mitigation Monitoring and Reporting Plan as part of the Initial Study and Mitigated Negative Declaration for the project, which includes various mitigation measures to avoid or minimize the project's impacts on issues related to geology and soils, biological resources, hazards and hazardous materials, transportation and circulation, and cultural resources (see Exhibit No. 7). Implementation of these mitigation measures is also required by Special Condition No. B-6 of County Condition Use Permit No. CDU No. 9-2005, approved by the Mendocino County Planning Commission on September 20, 2007 (see Exhibit No. 5).

**D. PLANNING & LOCATING NEW DEVELOPMENT & PROTECTION OF LOWER COST VISITOR SERVING FACILITIES**

1. Applicable LCP Policies & Standards:

- LUP Policy 3.9-1 states the following:

*An intent of the Land Use Plan is to apply the requirement of Section 30250(a) of the Act that new development be in or in close proximity to existing areas able to accommodate it, taking into consideration a variety of incomes, lifestyles, and location preferences...*

...

*In addition to the considerations pertaining to the allocation of residential sites listed above, all development proposals shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources...*

...

- LUP Policy 3.8-8 states the following:

*Newly constructed public water supply and sewage disposal systems and expansion of existing systems should be designed to serve development consistent with that permitted by the Land Use*

*Plan, provided that a reasonable capacity should be reserved for potential industrial development at locations designated by the plan.*

- LUP Policy 3.8-11 states the following:

*Permits for new installations of septic tanks shall not be issued in the absence of a long term arrangement for septage disposal for that specific area.*

- LUP Policy G3.1-2 in the Gualala Town Plan states the following:

*New development in the Gualala area shall be concentrated within the urban side of the urban-rural boundaries, where it can be served by community water and sewer systems and will minimize additional traffic impacts on Highway 1.*

- LUP Policy G3.1-1 in the Gualala Town Plan states the following:

*The urban-rural boundary for the town of Gualala shall be coincident with the boundary lines delineated on Land Use Map 31.*

- LUP Policy G3.7-8 in the Gualala Town Plan states the following:

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

- LUP Policy 3.7-5 states the following:

*The locations designated and types of use permitted are intended to result in accommodations of all price ranges, including lower cost ones such as campgrounds and hostels. Lower cost visitor and recreational facilities for persons and families of low and moderate income shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

## 2. Consistency Analysis:

As discussed above, the GCSD was formed in 1986 to provide wastewater collection and treatment to the unincorporated Gualala area. The District service territory is divided into four zones: zones 1 and 2 represent the commercial and residential development closest to the coast, and zones 3 and 4 represent the rural residential development further up in the hills (see Exhibit No. 2). The inland boundary of zones 1 and 2 is roughly coincident with the urban/rural boundary as delineated in the certified Mendocino County LCP on Land Use Map 31 (see Exhibit No. 4). This boundary is also roughly coincident with the District's service area boundary. The approved sewer extension would extend sewer service from zone 1 to the proposed school, which is located in zone 4, in the rural area outside the urban/rural boundary.

According to the Gualala Town Plan, the GCSD wastewater treatment system has a capacity of 625 Equivalent Single-Family Dwellings (ESDs). According to information submitted by the applicant for purpose of the Commission's *de novo* review, approximately 135 ESDs currently remain in the system. The applicant estimates that approximately 12 percent (~20 ESDs) of the remaining system capacity would be devoted to the proposed new K-through-5 school at 39290 Old Stage Road (agenda item W-17b).

The proposed project is primarily intended to serve the proposed new K-through-5 school at 39290 Old Stage Road. Due to site constraints, strict guidelines from various overseeing agencies, and cost factors, there are limited sites available in the Gualala area to site the needed school. The proposed school is located on a property that was donated to the Arena Union Elementary School District by a private party, and the site was deemed suitable by the Department of Education and various other agencies overseeing the school development. As a benefit to community members and the public, the proposed school development includes public facilities such as a multipurpose building and playing fields that will be open to the public at large.

LUP Policy G3.1-2 of the Gualala Town Plan states in part, that new development in the Gualala area shall be concentrated within the urban side of the urban-rural boundaries, where it can be served by community sewer systems. This policy does not preclude development or providing sewer service to development outside of the urban-rural boundary, the policy only requires that development be concentrated on the urban side of the boundary. Thus, even though the proposed school will be built on the rural side of the urban-rural boundary; the development of a school by itself in the rural area and providing sewer service to the school can be found consistent with LUP Policy G3.1-2. However, if extension of the sewer line to the school were allowed to induce additional growth in the rural area, the installation of the sewer line would not serve to concentrate development on the urban side of the urban-rural boundary as required by LUP Policy G3.1-2. This issue of growth inducement is of particular concern given that the applicant is proposing a use a 6-inch diameter line for the proposed sewer line extension, which is sized to accommodate an unspecified amount of additional development in zones 4 and 3 within the rural area than just the school itself. Evidence in the local record indicates that a 4-inch line would be adequate to serve the proposed school. The applicant's reasoning for proposing a 6-inch line is that installing the larger diameter pipeline is fiscally and environmentally prudent to avoid installation of a second pipeline if future service is extended into the adjacent unserved territory. Given the limited remaining capacity of the existing sewer system, if extension of the line were approved in a manner that allowed for other new development to hook-up to the line, allowing hookups outside of the service area and urban area may come at the expense of hookups for development within the urban area and within the service area of the District. The amount of capacity available in the sewer system to serve additional growth beyond that needed to serve the proposed school is unclear. The letter from the applicant providing the additional sewer capacity information for purposes of the Commission's *de novo* review states that the "adequacy of our capacity is very difficult to determine for several reasons." The letter indicates that two of the most important reasons why it is difficult to estimate the capacity are (1) sewer technology and regulations are constantly changing, and (2) depending on the result of pending litigation, the District may no longer need to process waste water for CSA #6 of the Sonoma County Water District, which serves the Sea Ranch Golf Course across the County line in Sonoma County, which would increase the capacity. More importantly, the letter does not respond to requests for information addressing the demand for sewer capacity that will be generated within the existing service area of the District over the 30 year planning horizon of the Gualala Town Plan (GTP) portion of the certified Mendocino County LUP. The GTP points out that the remaining ESDs may not be sufficient to accommodate the demands for sewer connections for the 30-year planning horizon of the Town Plan. Using a 75/50 percent buildout scenario, buildout of residential uses under the existing LCP would require an additional 759 ESDs. Under this



scenario, the remaining capacity of the GCSD treatment plant would be exceeded. When 500 ESDs are in use, the GCSD is required by the State Water Resources Control Board to initiate plans for wastewater treatment plant expansion.

This potential shortfall of capacity is of particular concern in relation to the provision of priority uses. LUP Policies 3.7-5 and G3.7-8 state that lower cost visitor and recreational facilities shall be protected and encouraged, and development providing public recreational opportunities is preferred. The zoning districts that allow for lower cost visitor-serving and recreational opportunities within the Gualala area are mostly located on the urban side of the urban/rural boundary. As discussed above, facilitating hookups for residential development outside of the urban/rural boundary would reduce the limited remaining sewer capacity available for priority visitor-serving and recreational uses within the urban zoning districts. Visitor-serving uses are considered a priority use under Chapter 3 of the Coastal Act, and providing visitor-serving facilities to enable the people of California to visit and enjoy the coast is a matter of statewide concern and significance.

Therefore, as the proposed project could facilitate additional residential growth outside of the urban/rural boundary contrary to the requirements of LUP Policy G3.1-2 to concentrate development on the urban side of the boundary, the Commission attaches Special Condition Nos. 1 and 2. Special Condition No. 1 requires that prior to permit issuance the applicant submit, for the review and approval of the Executive Director, evidence that the Arena Union Elementary School District has obtained all necessary permits for construction of the new school at 39290 Old Stage Road pursuant to CDP No. A-1-MEN-07-044. This condition ensures that the proposed sewer line extension will not be constructed and its potential growth-inducing impacts incurred until there is assurance that the school development has been successfully approved and will move forward. To ensure that installation of the sewer line does not induce new development on the rural side of the urban-rural boundary inconsistent with LUP Policies 3.8-8 and G3.1-2, the Commission attaches Special Condition No. 2. This special condition prohibits the permittee from allowing a sewer service connection to the sewer line extension for any new development other than (1) the Arena Union Elementary School proposed under Coastal Development Permit Application No. A-1-MEN-07-044, and (2) residences and other development that exist as of the date of the Commission's approval of the permit that are served by on-site septic systems that are failing. The permittee may allow a service connection to the sewer line extension for such development only after obtaining a Commission amendment to Coastal Development Permit No. A-1-MEN-07-043 that expressly authorizes the connection. The Commission finds that allowing existing development with failing septic systems to connect to the sewer line extension would resolve groundwater and surface water contamination problems associated with the failing septic systems that are adversely affecting coastal resources and would be consistent with the requirements of LUP Policy G3.1-2 to concentrate development within the urban-rural boundary, as such connections would not accommodate new growth, only existing development.

Therefore, for all of the above reasons, the Commission finds that the proposed project, as conditioned, is consistent with the provisions of certified LCP on planning and locating new development.

**F. GEOLOGIC HAZARDS**

1. Applicable LCP Policies & Standards:

- LUP Policy 3.4-1 states the following (emphasis added):

*The County shall review all applications for Coastal Development permits to determine threats from and impacts on geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, expansive soils and subsidence and shall require appropriate mitigation measures to minimize such threats. In areas of known or potential geologic hazards, such as shoreline and bluff top lots and areas delineated on the hazards maps the County shall require a geologic investigation and report, prior to development, to be prepared by a licensed engineering geologist or registered civil engineer with expertise in soils analysis to determine if mitigation measures could stabilize the site. Where mitigation measures are determined to be necessary, by the geologist, or registered civil engineer the County shall require that the foundation construction and earthwork be supervised and certified by a licensed engineering geologist, or a registered civil engineer with soil analysis expertise to ensure that the mitigation measures are properly incorporated into the development.*

- LUP Policy 3.4-4 states the following:

*The County shall require that water, sewer, electrical, and other transmission and distribution lines which cross fault lines be subject to additional safety standards beyond those required for normal installations, including emergency shutoff where applicable*

- CZC Section 20.500.010(A) states that development in Mendocino County's Coastal Zone shall (emphasis added):

- (1) *Minimize risk to life and property in areas of high geologic, flood and fire hazard;*
- (2) *Assure structural integrity and stability; and*
- (3) *Neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding areas, nor in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

2. Consistency Analysis:

The proposed project area is not located in the Alquist-Priolo Earthquake Fault Zone, but it is located within about a mile of the seismically active San Andreas Fault. The subject site does not cross any fault lines that would necessitate additional safety standards as required by LUP Policy 3.4-4. The project area is located in Mendocino Geotechnical Hazard Zone 1, characteristics of which include high potential for ground shaking, medium potential for surface faulting, medium potential for landslides, medium to high potential for tsunami, low potential for seiche, and low to medium potential for liquefaction.

The Mitigated Negative Declaration (MND) prepared for the project pursuant to the California Environmental Quality Act (SCH No. 2005022008) states that while the proposed wastewater line may be exposed to seismic related effects, plastic pipeline material is sufficiently flexible to withstand such effects. Additionally, the pipeline will be installed in the paved road area, so topsoil will not be affected. Furthermore, the MND states that expansive soils will not affect the

underground pipeline. The MND further states that Old Stage Road historically has been a stable road that has not experienced landslides, except for a 100-foot segment at approximately milepost 0.65, where the outside lane of this segment failed many years back and still requires periodic reinforcement by County road maintenance to keep the slope in check. Failure of this road segment could lead to a rupture in the proposed sewer line extension resulting in the discharge of untreated wastewater into the environment.

A geotechnical investigation was completed for the proposed project by Bauer Associates (November 18, 2005), which specifically examined the feasibility of constructing the proposed sewer line extension through the historically unstable road segment around milepost 0.65. The investigation hypothesizes that Old Stage Road may have originated as an old logging road that has been subsequently modified over the years. The report explains that early logging roads were typically graded without compaction and keying into firm materials, as is commonly required of public roads today. Therefore, distress of old fills is typical, and occasionally the fills experience landsliding. The report notes cracking asphalt in the historically unstable area around milepost 0.65 where the County has completed repairs in the past using a reinforced earthen fill along the outboard edge of the road. The report concludes that the proposed project is feasible from a geotechnical engineering standpoint, and the most significant geotechnical factors that must be considered in design and construction are (1) the presence of weak soils overlaying the bedrock that will be subject to variable horizontal and vertical movements, and (2) the potential for continued distress at the outboard portion of the road. The report recommends mitigating the weak surface soil factor by locating the proposed sewer line extension well within the firm bedrock material. The report recommends mitigating the outboard distress factor by locating the proposed sewer line extension well within the inboard portion of the road to avoid the potential for soil movements to disrupt the pipeline and to avoid encountering the previous road repair (i.e., soil reinforcing mats). Furthermore, the report recommends locating the proposed sewer line extension well below the bottom of the existing subdrain that is located at the inboard edge of the road to avoid construction problems. As the subdrain appears to be a minimum of 6 feet deep, the proposed pipeline should be placed at least 8 to 10 feet deep, but the report recommends confirming the subdrain depth prior to construction to be sure. Finally, the report recommends frequent monitoring of the subdrain over the life of the project to ensure its proper functionality, which will be important to improving performance of the road area and buried utilities.

To ensure that the mitigation measures and geotechnical recommendations summarized above are incorporated into the project to avoid geologic hazards, the Commission attaches Special Condition No. 3. This condition requires that prior to permit issuance, the applicant shall submit, for the Executive Director's review and approval, evidence that a licensed professional (Certified Engineering Geologist or Geotechnical Engineer) has reviewed and approved all final design and construction plans and has certified that each of those plans is consistent with all of the recommendations specified in the above-reference geologic report. The condition further requires that a licensed engineering geologist, or a registered civil engineer with soil analysis expertise, shall be retained to supervise the sewer extension installation work to ensure that the mitigation measures are properly incorporated into the development.

The applicant proposes to use horizontal direction drilling (HDD) to install the sewer line extension beneath Old Stage Road. HDD activities could result in the release of drilling fluids (bentonite) into the environment, most likely as a result of a “frac-out” (the propagation of fractures from the drilling bore to the surface of the ground). Frac-outs result from drilling through brittle, fractured, and/or poorly consolidated rocks or sediments, the maintenance of too-high fluid pressures in the bore during drilling, and drilling at too shallow a depth below the ground. The most effective way to guard against a frac-out is to drill in geologic strata that are the least susceptible to frac-out. The geotechnical investigation completed for the proposed project did not include a site-specific analysis of the geology at the bore site(s) to determine how deep the boring must be made to avoid boring through geologic strata that are susceptible to frac-out. However, if a frac-out were to occur, the likelihood that drilling muds released into the environment would adversely impact coastal resources is low, as there are no wetlands, waters, or other environmentally sensitive habitat areas that occur within the project area that could be affected by a frac-out. There is however, one small wetland that occurs just outside the project area near the headwaters of China Gulch in the northern portion of the project area within five feet of the road shoulder. Additionally, a spillage of drilling mud could affect roadside ditches and culverts, which ultimately connect to natural drainages and coastal waters.

Therefore, the Commission attaches Special Condition No. 4, which requires the applicant to submit, prior to permit issuance for the Executive Director’s review and approval, a spill prevention and response plan consisting of best management practices (BMPs) for the storage of clean-up materials, training, designation of responsible individuals, and reporting protocols to the appropriate public and emergency services agencies in the event of a spill to capture and clean-up any accidental releases of oil, grease, fuels, lubricants, drilling fluids, or other hazardous materials for the protection of coastal wetlands and waters.

The Commission thus finds that, as conditioned to ensure that the mitigation measures are properly incorporated into the development, the proposed project is consistent with LUP Policy 3.4-1 and CZC Section 20.500.010(A).

## **G. PROTECTION OF WATER QUALITY**

### **1. Applicable LCP Policies & Standards:**

- LUP Policy 3.1-25 states the following:

*The Mendocino Coast is an area containing many types of marine resources of statewide significance. Marine resources shall be maintained, enhanced and, where feasible, restored; areas and species of special biologic or economic significance shall be given special protection; and the biologic productivity of coastal waters shall be sustained.*

- CZC Section 20.492.010 incorporates grading standards and states the following, in applicable part:

...

*(F) Adjoining property shall be protected from excavation and filling operations and potential soil erosion.*

*(G) The area of soil to be disturbed at any one time and the duration of its exposure shall be limited. Erosion and sediment control measures shall be installed as soon as possible following the disturbance of the soils. Construction equipment shall be limited to the actual area to be disturbed according to the approved development plans.*

...

- CZC Section 20.492.015 incorporates erosion standards and states the following, in applicable part:

*(A) The erosion rate shall not exceed the natural or existing level before development.*

*(B) Existing vegetation shall be maintained on the construction site to the maximum extent feasible. Trees shall be protected from damage by proper grading techniques.*

*(C) Areas of disturbed soil shall be reseeded and covered with vegetation as soon as possible after disturbance, but no less than one hundred (100) percent coverage in ninety (90) days after seeding; mulches may be used to cover ground areas temporarily..*

...

*(G) Erosion control devices shall be installed in coordination with clearing, grubbing, and grading of downstream construction; the plan shall describe the location and timing for the installation of such devices and shall describe the parties responsible for repair and maintenance of such devices.*

- CZC Section 20.492.020 incorporates sedimentation standards and states the following, in applicable part:

*(A) Sediment basins (e.g., debris basins, desilting basins, or silt traps) shall be installed in conjunction with initial grading operations and maintained through the development/construction process to remove sediment from runoff wastes that may drain from land undergoing development to environmentally sensitive areas.*

*(B) To prevent sedimentation of off-site areas, vegetation shall be maintained to the maximum extent possible on the development site. Where necessarily removed during construction, native vegetation shall be replanted to help control sedimentation.*

*(C) Temporary mechanical means of controlling sedimentation, such as hay baling or temporary berms around the site, may be used as part of an overall grading plan, subject to the approval of the Coastal Permit Administrator.*

*(D) Design of sedimentation control devices shall be coordinated with runoff control structure to provide the most protection.*

*(E) The grading plan when required shall set forth a schedule for the construction and maintenance of any structure to be developed under this section, and shall include a statement designating who shall be responsible for the long-term management of the devices.*

- CZC Section 20.492.025 incorporates runoff standards and states the following, in applicable part:

...

*(E) Provisions shall be made to infiltrate and/or safely conduct surface water to storm drains or suitable watercourses and to prevent surface runoff from damaging faces of cut and fill slopes.*

*(F) Adequate maintenance of common and public retention basins or ponds shall be assured through the use of performance bonds or other financial mechanisms.*

*(G) Subsurface drainage devices shall be provided in areas having a high water table and to intercept seepage that would adversely affect slope stability, building foundations, or create undesirable wetness.*

...

*(J) Where coastal development projects within the Gualala Town Plan planning area have the potential to degrade water quality, the approving authority shall require all relevant best management practices to control polluted runoff, as appropriate.*

...

## 2. Consistency Analysis:

LUP Policy 3.1-25 requires the protection of the biological productivity of coastal waters. CZC Section 20.492.010 sets forth grading standards which promote minimizing grading, erosion and sediment control, and protection of, among other things, adjacent properties from potential soil erosion resulting from cut and fill operations. CZC Section 20.492.015 sets forth erosion control standards to ensure that new development does not increase erosion. Specifically, CZC Section 20.492.015(B) and (C) require in part, respectively, that existing vegetation shall be maintained to the maximum extent feasible, and disturbed soil shall be reseeded and revegetated as soon as possible following disturbance. CZC Section 20.492.020 sets forth sedimentation standards to minimize sedimentation of off-site areas. For example, CZC Section 20.492.020(A) requires that environmentally sensitive habitat areas be protected from sedimentation impacts, CZC Section 20.492.020(B) requires that the maximum amount of vegetation on the development site be maintained to prevent sedimentation of off-site areas. Where vegetation is necessarily removed during construction, Section 20.492.020(B) requires that native vegetation shall be replanted afterwards to help control sedimentation. Finally, CZC Section 20.492.025 sets forth runoff control standards to ensure that new development does not increase erosion.

As discussed previously, there are no coastal waters, wetlands, or other environmentally sensitive habitat areas within the project area. However, one small wetland occurs just outside the project area the headwaters for China Gulch occur near Old Stage Road in the northern portion of the project area, although the road does not cross the drainage course itself (see Exhibit No. 3). The Palustrine emergent wetland is dominated by sedges and rushes and is located approximately five feet from the road shoulder. Additionally, there are roadside ditches and culverts adjacent to the project area that ultimately connect to natural drainages. Thus, runoff originating from the development site that is allowed to drain toward these area could contain entrained sediment and other pollutants that would contribute to degradation of the quality of coastal wetlands and waters. Sedimentation impacts from runoff would be of most concern during construction activities.

To ensure that best management practices (BMPs) are implemented to control the erosion of exposed soils and polluted runoff during construction, the Commission attaches Special Condition Nos. 4 and 5. As discussed above, Special Condition No. 4 requires submittal, prior to permit issuance for the review and approval of the Executive Director, of a final erosion, runoff control, and spill prevention and response plan demonstrating, among other things, that (a) run-

off from the project site shall not increase sedimentation in coastal waters; (b) run-off from the project site shall not result in pollutants entering coastal waters; (c) Best Management Practices (BMPs) shall be used to prevent the entry of polluted stormwater runoff into coastal waters during the construction; (d) any disturbed areas shall be replanted or seeded as soon as possible following completion of construction, consistent with the planting limitations required by Special Condition No. 5, and there shall be no less than 100 percent coverage by 90 days after seeding; (e) the erosion rate shall not exceed the natural or existing level before development; and (f) adjoining property shall be protected from excavation and filling operations and potential soil erosion. Special Condition No. 5 requires adherence to various construction-related responsibilities, including (a) no construction materials, debris, or waste shall be placed or stored where it may be subject to entering coastal waters or wetlands; (b) any and all debris resulting from construction activities shall be removed from the project site within 10 days of project completion and disposed of at an authorized location pursuant to Special Condition No. 6 (see below); (c) all earth-moving activities shall be conducted during the dry season period of May 15 through November 15; any earth-moving activity conducted between October 16 and November 15 shall be subject to the following conditions: (1) all work shall cease upon the onset of precipitation at the project site and shall not recommence until the predicted chance of rain is less than 50 percent for the Gualala segment of the National Weather Service's forecast for Northwestern California; (2) the work site(s) shall be winterized between work cessation periods by installing stormwater runoff and erosion control barriers around the perimeter of the construction site to prevent the entrainment of sediment into coastal waters; and (3) adequate stocks of stormwater runoff and erosion control barrier materials shall be kept onsite and made available for immediate use; (d) if rainfall is forecast during the time construction activities are being performed, any exposed soil areas shall be promptly mulched or covered with plastic sheeting and secured with sand bagging or other appropriate materials before the onset of precipitation; (e) any fueling and maintenance of construction equipment shall occur within upland areas outside of environmentally sensitive habitat areas or within designated staging areas; mechanized heavy equipment and other vehicles used during the construction process shall not be stored or re-fueled within 100 feet of coastal waters; (f) only native and/or non-invasive plant species shall be planted at the site; and (g) rodenticides containing any anticoagulant compounds, including, but not limited to, Bromadiolone or Diphacinone shall not be used.

Finally, Special Condition No. 6 requires submittal, prior to commencement of construction for the review and approval of the Executive Director, of an excavated materials disposal plan. The plan shall demonstrate that no excavated materials shall be temporarily placed or stored where they may be subject to entering coastal wetlands or other coastal waters, and all of the material to be removed shall be placed and used pursuant to, and consistent with, a valid permit, as well as consistent with the terms and conditions of this permit. The condition prohibits placement of any such material within any wetland area.

Therefore, the Commission finds that the proposed development, as conditioned, is consistent with water quality protection policies of the certified LCP, including CZC Sections 20.492.010, -015, -020, and -025, because, among other reasons, relevant BMPs will be used to control erosion and to capture and infiltrate runoff. Furthermore, the Commission finds that the proposed development, as conditioned, is consistent with the provisions of LUP Policy 3.1-25 requiring that the biological productivity of coastal waters be sustained.

## H. PROTECTION OF ENVIRONMENTALLY SENSITIVE HABITAT AREAS

### 1. Applicable LCP Policies & Standards:

- Environmentally Sensitive Habitat Areas (ESHA) are defined in Section 3.1 of the certified Mendocino County Land Use Plan (LUP) as follows:

*Any areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

- CZC Section 20.496.010 states the following (emphasis added):

*...Environmentally Sensitive Habitat Areas (ESHA's) include: anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation which contain species of rare or endangered plants and habitats of rare and endangered plants and animals.*

- LUP Policy 3.1-2 states the following, in applicable part:

*Development proposals in environmentally sensitive habitat areas such as wetlands, riparian zones on streams or sensitive plant or wildlife habitats (all exclusive of buffer zones) including, but not limited to those shown on the Land Use Maps, shall be subject to special review to determine the current extent of the sensitive resource. Where representatives of the County Planning Department, the California Department of Fish and Game, the California Coastal Commission, and the applicant are uncertain about the extent of sensitive habitat on any parcel such disagreements shall be investigated by an on-site inspection by the landowner and/or agents, County Planning Department staff member, a representative of California Department of Fish and Game, a representative of the California Coastal Commission. The on-site inspection shall be coordinated by the County Planning Department and will take place within 3 weeks, weather and site conditions permitting, of the receipt of a written request from the landowner/agent for clarification of sensitive habitat areas...*

...

- LUP Policy 3.1-7 states the following (emphasis added):

*A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from significant degradation resulting from future developments. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning Staff, that 100 feet is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive habitat areas and shall not be less than 50 feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent environmentally sensitive habitat area and must comply at a minimum with each of the following standards:*



1. *It shall be sited and designed to prevent impacts which would significantly degrade such areas;*
  2. *It shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity; and*
  3. *Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1:1, which are lost as a result of development under this solution.*
- CZC Section 20.496.020 states the following (emphasis added):
    - (A) **Buffer Areas.** *A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from degradation resulting from future developments and shall be compatible with the continuance of such habitat areas.*
      - (1) **Width.** *The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning staff, that one hundred (100) feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent Environmentally Sensitive Habitat Area.*

...
      - (2) **Configuration.** *The buffer area shall be measured from the nearest outside edge of the ESHA (e.g., for a wetland from the landward edge of the wetland; for a stream from the landward edge of riparian vegetation or the top of the bluff).*

...
      - (4) **Permitted Development.** *Development permitted within the buffer area shall comply at a minimum with the following standards:*
        - (a) *Development shall be compatible with the continuance of the adjacent habitat area by maintaining the functional capacity, their ability to be self-sustaining and maintain natural species diversity.*
        - (b) *Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel.*
        - (c) *Development shall be sited and designed to prevent impacts which would degrade adjacent habitat areas. The determination of the best site shall include consideration of drainage, access, soil type, vegetation, hydrological characteristics, elevation, topography, and distance from natural stream channels. The term "best site" shall be defined as the site having the least impact on the maintenance of the biological and physical integrity of the buffer strip or critical habitat protection area and on the maintenance of the hydrologic capacity of these areas to pass a one hundred (100) year flood without increased damage to the coastal zone natural environment or human systems.*

*(d) Development shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity.*

*(e) Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1:1, which are lost as a result of development under this solution.*

*(f) Development shall minimize the following: impervious surfaces, removal of vegetation, amount of bare soil, noise, dust, artificial light, nutrient runoff, air pollution, and human intrusion into the wetland and minimize alteration of natural landforms.*

*(g) Where riparian vegetation is lost due to development, such vegetation shall be replaced at a minimum ratio of one to one (1:1) to restore the protective values of the buffer area.*

*(h) Aboveground structures shall allow peak surface water flows from a one hundred (100) year flood to pass with no significant impediment.*

*(i) Hydraulic capacity, subsurface flow patterns, biological diversity, and/or biological or hydrological processes, either terrestrial or aquatic, shall be protected.*

*(j) Priority for drainage conveyance from a development site shall be through the natural stream environment zones, if any exist, in the development area. In the drainage system design report or development plan, the capacity of natural stream environment zones to convey runoff from the completed development shall be evaluated and integrated with the drainage system wherever possible. No structure shall interrupt the flow of groundwater within a buffer strip. Foundations shall be situated with the long axis of interrupted impermeable vertical surfaces oriented parallel to the groundwater flow direction. Piers may be allowed on a case by case basis.*

*(k) If findings are made that the effects of developing an ESHA buffer area may result in significant adverse impacts to the ESHA, mitigation measures will be required as a condition of project approval. Noise barriers, buffer areas in permanent open space, land dedication for erosion control, and wetland restoration, including off-site drainage improvements, may be required as mitigation measures for developments adjacent to environmentally sensitive habitats. (Ord. No. 3785 (part), adopted 1991)*

## 2. Consistency Analysis:

As discussed above, a small Palustrine emergent wetland occurs adjacent to the project area on the east side of Old Stage Road near, but hydrologically disconnected from, the headwaters of China Gulch (see Exhibit No. 3). This wetland area, which is located within 5 feet of the road shoulder, contains wetland-oriented plants such as sedges and rushes.

As cited above, Section 3.1 of the LUP and Coastal Zoning Code Section 20.496.010 define ESHA, which includes wetlands such as the Palustrine emergent wetland identified adjacent to the project area as shown on Exhibit No. 3. Therefore, as ESHA, wetland habitat is subject to the ESHA buffer requirements of LUP Policy 3.1-7 and CZC Section 20.496.020. According to these policies, a buffer area of a minimum of 100 feet shall be established adjacent to all ESHAs, unless an applicant can demonstrate, after consultations and agreement with the CDFG, that 100

feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The policies state that in that event, the buffer shall not be less than 50 feet in width. CZC Section 20.496.020 states the seven standards for determining the appropriate width of the buffer area. Furthermore, LUP Policy 3.1-7 and CZC Section 20.496.020(A)(4)(b) require that development permitted within an ESHA buffer area shall generally be the same as those uses permitted in the adjacent ESHA, and that structures are allowable within the buffer area only if there is no other feasible site available on the parcel.

The project is to occur on and along Old Stage Road, a County road, entirely within County right-of-way. Old Stage Road was constructed prior to voter passage of the Proposition 20 Coastal Initiative in 1972 and the Legislature's adoption of the Coastal Act in 1976. The road as it was built and as it currently exists is located as close as 5 feet from the edge of identified wetland ESHA. This existing setback from the wetland ESHA will not change as a result of the proposed project. As noted above, LUP Policy 3.1-7 and CZC Section 20.496.020 indicate that a buffer area of 100 feet shall be established adjacent to all ESHAs, although the buffer width can be reduced to a minimum of 50 feet under certain circumstances. In this case, because a substantial existing pre-Coastal Act development (the road) is located within 5 feet of wetland ESHA and intervenes between the new development (i.e., installation of the sewer line extension) and the ESHA, establishment of a buffer is precluded throughout the project stretch.

Nevertheless, to ensure that construction activities do not encroach into the adjacent wetland habitat, the Commission attaches Special Condition No. 7. This condition requires that, prior to commencement of construction activities, a qualified biologist shall erect temporary exclusion fencing along the east side of Old Stage Road adjacent to the wetland, and that the exclusion fencing be maintained throughout the duration of construction activities.

Additionally, as discussed previously, Special Condition No. 5 requires adherence to various construction related responsibilities to protect off-site coastal resources from (1) pollutants contained in runoff from the development site, (2) spills of fuels, lubricants, and drilling muds, (3) the inadvertant introduction of invasive species through reseeding disturbed areas, and (4) the use of rodenticides.

Therefore, the Commission finds that the proposed project, as conditioned to included the various mitigation measures discussed above, is consistent with the ESHA protection policies of the certified LCP.

## **I. PROTECTION OF ARCHAEOLOGICAL RESOURCES**

### **1. Applicable LCP Policies & Standards:**

- LUP Policy 3.5-10 states the following (emphasis added):

*The County shall review all development permits to ensure that proposed projects will not adversely affect existing archaeological and paleontological resources. Prior to approval of any proposed development within an area of known or probable archaeological or paleontological significance, a limited field survey by a qualified professional shall be required at the applicant's*

*expense to determine the extent of the resource. Results of the field survey shall be transmitted to the State Historical Preservation Officer and Cultural Resource Facility at Sonoma State University for comment. The County shall review all coastal development permits to ensure that proposed projects incorporate reasonable mitigation measures so the development will not adversely affect existing archaeological/paleontological resources. Development in these areas are subject to any additional requirements of the Mendocino County Archaeological Ordinance.*

2. Consistency Analysis:

Sentinel Archaeological Research, LLC completed an archaeological survey report for the proposed project (February 22, 2005), which was forwarded to the Northwest Information Center at Sonoma State University and the Mendocino Archaeological Commission for review. An intensive archaeological survey of the proposed project area did not identify any cultural resources within the project area. Because the majority of the area is situated on top of a ridgeline, the environment tends to be erosive rather than to gather sediments, and as such, archaeological materials are unlikely to be buried or present in subsurface contexts. Nevertheless, to ensure protection of any archaeological or cultural resources that may be unearthed at the site during construction of the proposed project, the Commission attaches Special Condition No. 8. The condition requires that if an area of cultural deposits is discovered during the course of the project, all construction must cease and a qualified cultural resource specialist must analyze the significance of the find. To recommence construction following discovery of cultural deposits, the applicant is required to submit a supplementary archaeological plan for the review and approval of the Executive Director to determine whether the changes are *de minimis* in nature and scope, or whether an amendment to this permit is required.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with LUP Policy 3.5-10, as the development will include mitigation measures to ensure that the development will not adversely impact archaeological resources.

**J. OTHER AGENCY APPROVALS**

The project requires review and authorization by the Mendocino County Department of Transportation. To ensure that the project ultimately approved by the Department is the same as the project authorized herein, the Commission attaches Special Condition No. 9, which requires the applicant to submit to the Executive Director evidence of the Department's approval of the project prior to permit issuance. The condition requires that any project changes resulting from this other agency approval not be incorporated into the project until the applicant obtains any necessary amendment to this coastal development permit.

**K. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The Gualala Community Services District acted as the lead agency for the project for the purposes of CEQA review. As such, the District prepared an Initial Study and Mitigated Negative Declaration for the project in January of 2005 (SCH No. 2005022008).

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on conformity with Coastal Act policies at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed herein in the findings addressing the consistency of the proposed project with the certified Mendocino County LCP, the proposed project has been conditioned to be found consistent with the certified Mendocino County LCP. Mitigation measures, which will minimize all adverse environmental impacts, have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

## **V. EXHIBITS**

1. Regional Location Map
2. Vicinity Map & District Zones
3. Project Area
4. Urban/Rural Boundary Line
5. Notice of Final Local Action & County Staff Report
6. Appeal
7. CEQA Mitigation Measures
8. Applicant's correspondence

## ATTACHMENT A

### **STANDARD CONDITIONS:**

**1. Notice of Receipt & Acknowledgement**

The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

**2. Expiration**

If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

**3. Interpretation**

Any questions of intent of interpretation of any condition will be resolved by the Executive Director of the Commission.

**4. Assignment**

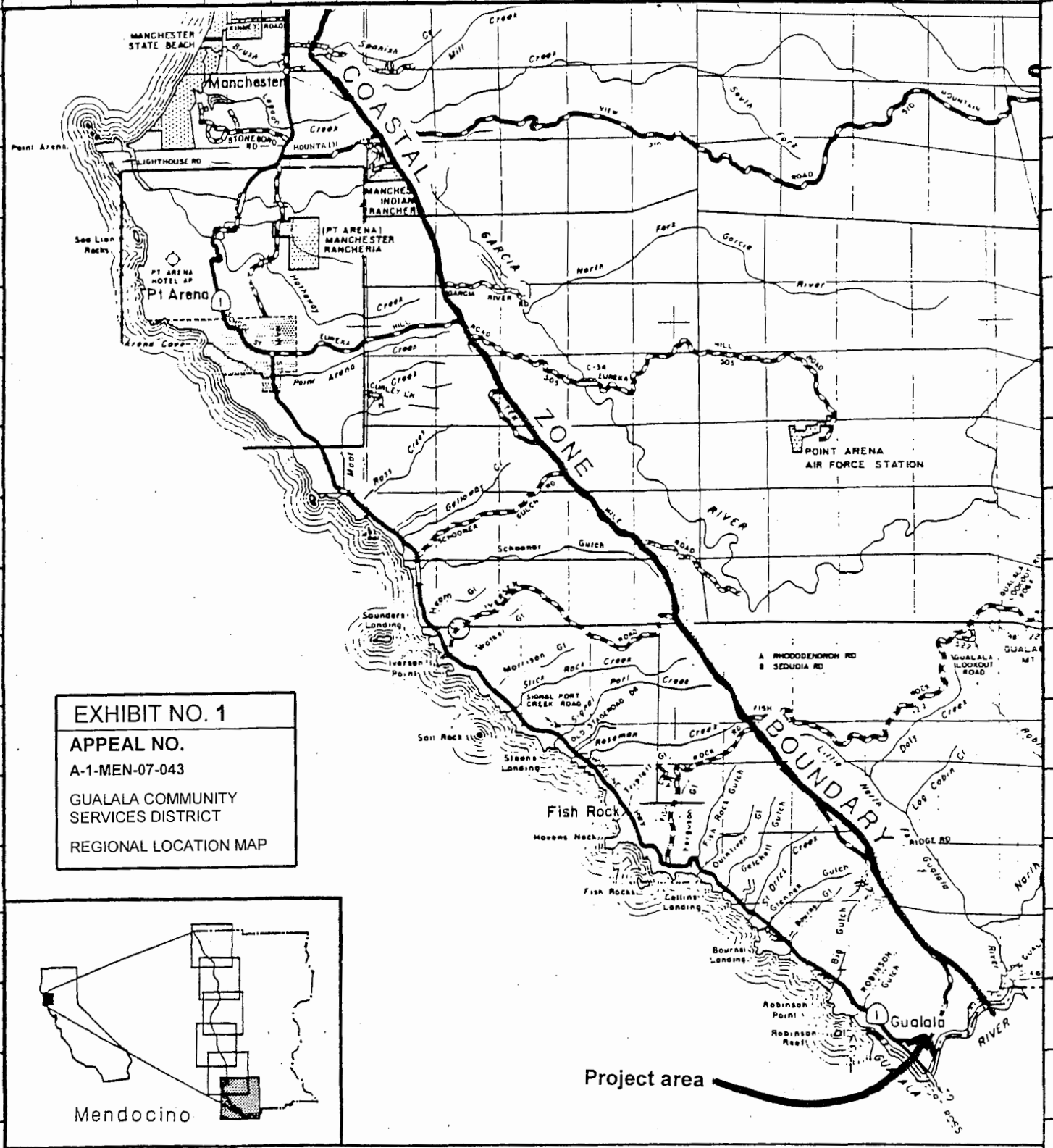
The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

**5. Terms & Conditions Run with the Land**

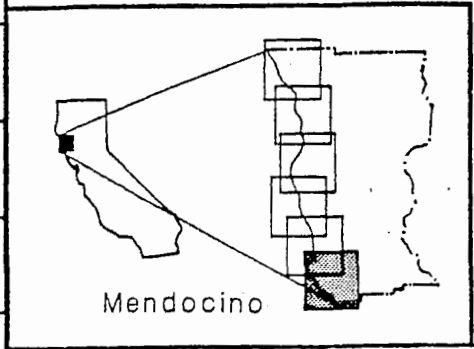
These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

A B C D E F G H I J K L M N O

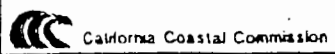
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18



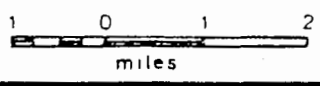
**EXHIBIT NO. 1**  
**APPEAL NO.**  
 A-1-MEN-07-043  
 GUALALA COMMUNITY  
 SERVICES DISTRICT  
 REGIONAL LOCATION MAP

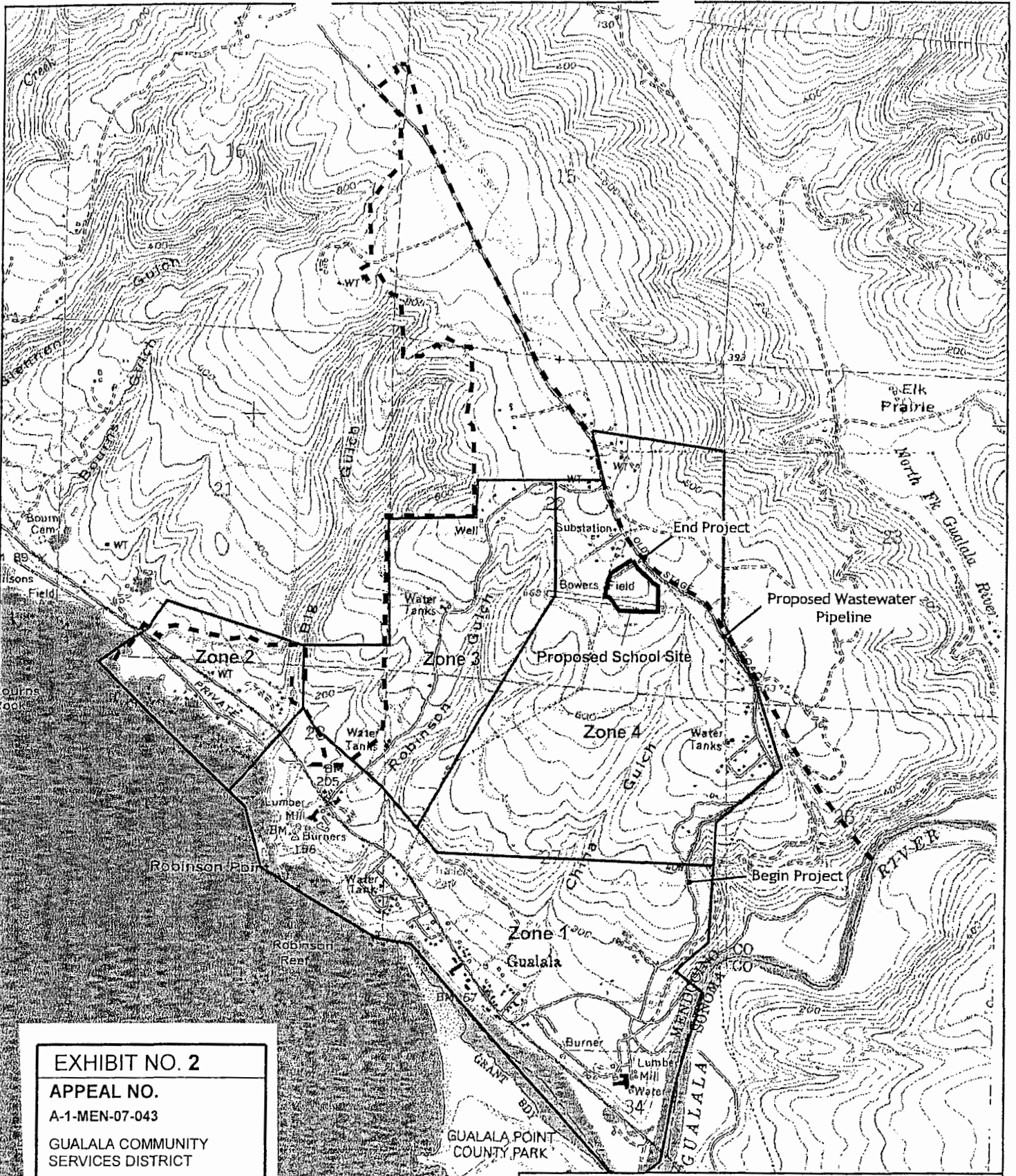


Project area



# LOCATION MAP

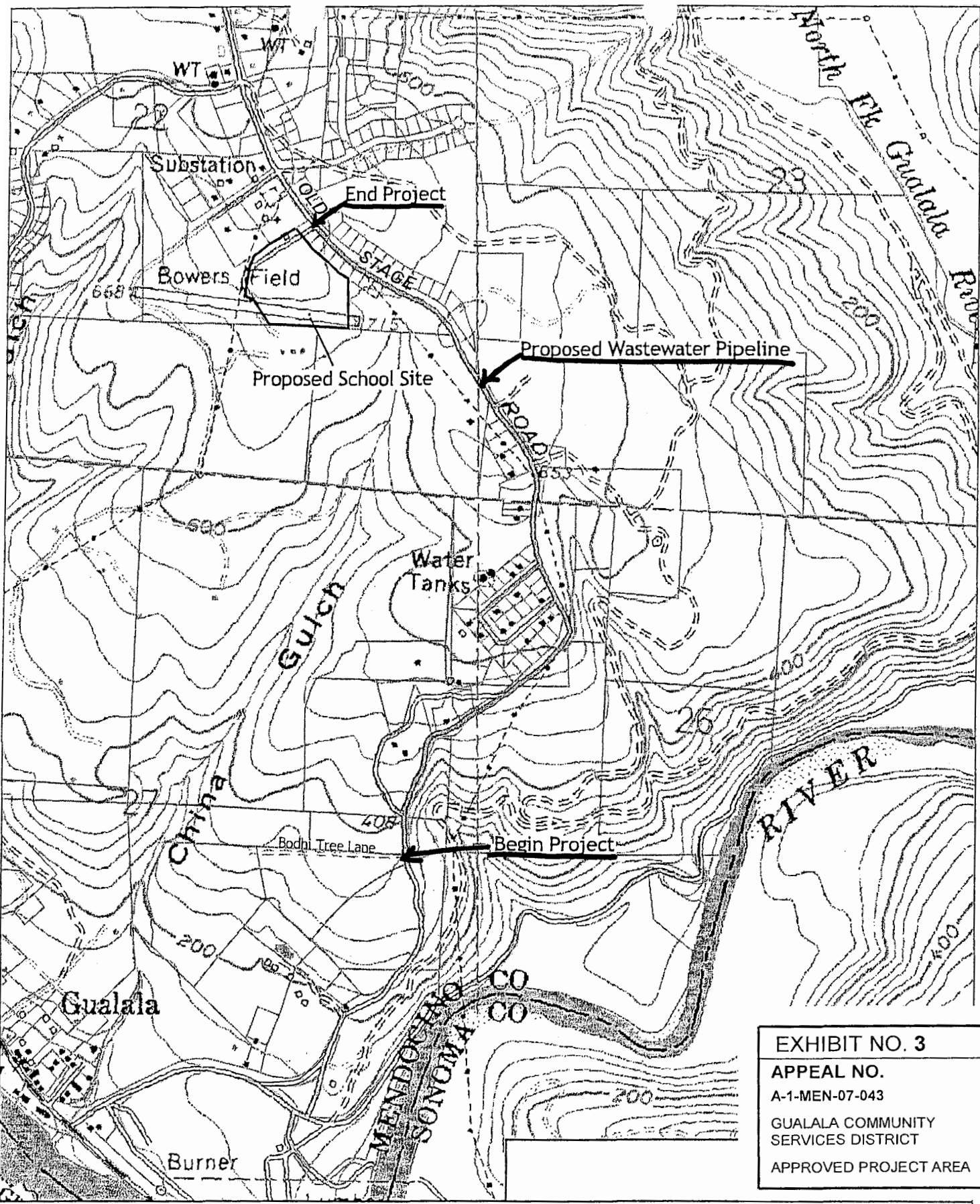




**EXHIBIT NO. 2**  
**APPEAL NO.**  
 A-1-MEN-07-043  
**GUALALA COMMUNITY SERVICES DISTRICT**  
**VICINITY MAP & GCSD ZONE**

Figure 4-1  
**Gualala Town Plan Boundary**





**EXHIBIT NO. 3**  
**APPEAL NO.**  
 A-1-MEN-07-043  
 GUALALA COMMUNITY  
 SERVICES DISTRICT  
 APPROVED PROJECT AREA

500 0 500 1000 Feet  
 Matrix Environmental Planning January 2005

Gualala Community Services District  
 Wastewater Pipeline Extension Project

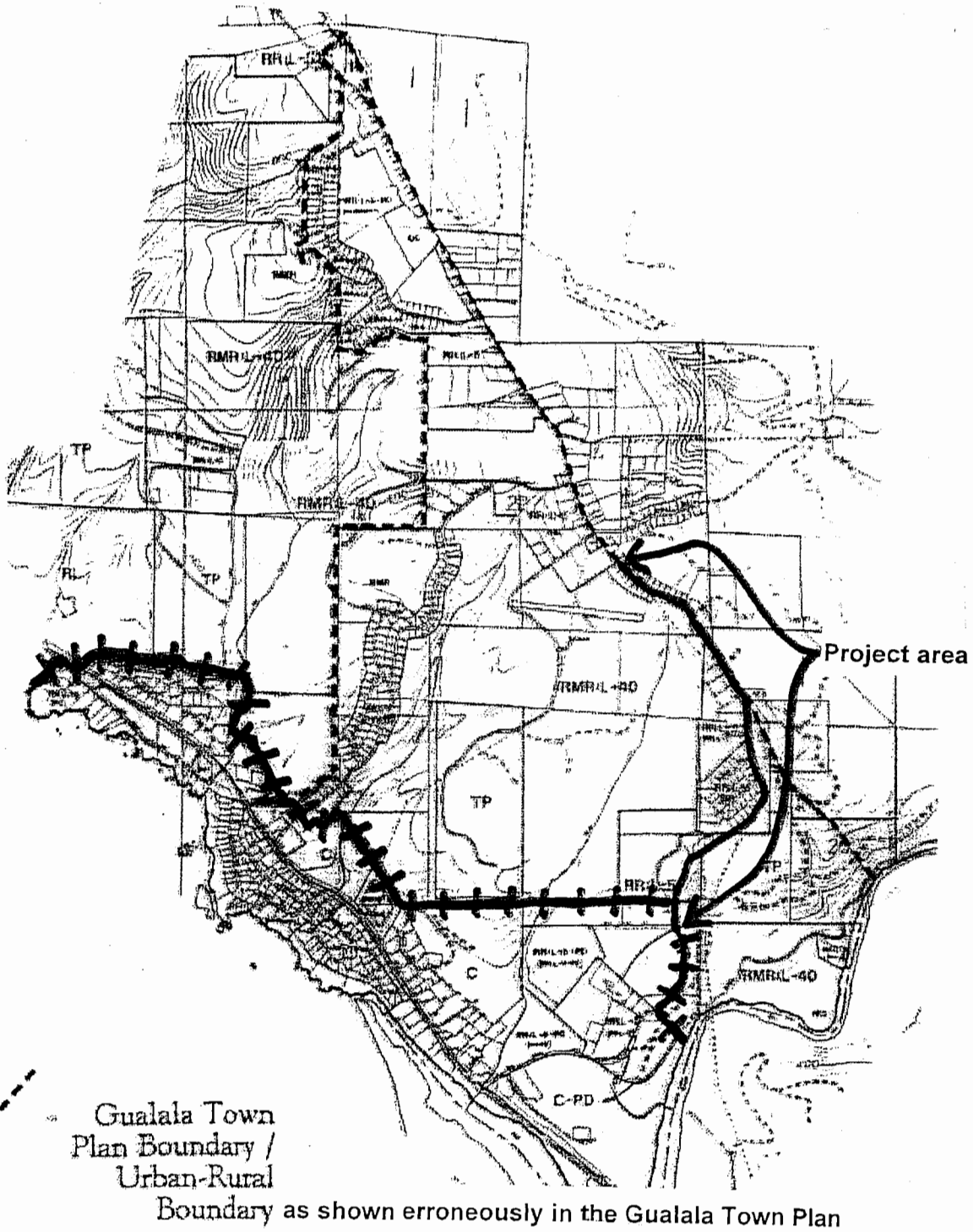


EXHIBIT NO. 4
APPEAL NO.
A-1-MEN-07-043
GUALALA COMMUNITY SERVICES DISTRICT
URBAN/RURAL BOUNDARY MAP



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
 501 LOW GAP ROAD · ROOM 1440 · UKIAH · CALIFORNIA · 95482

RAYMOND HALL, DIRECTOR  
 Telephone 707-463-4281  
 FAX 707-463-5709  
 pbs@co.mendocino.ca.us  
 www.co.mendocino.ca.us/planning

**RECEIVED**

OCT 16 2007

CALIFORNIA  
 COASTAL COMMISSION

October 2, 2007

**NOTICE OF FINAL ACTION**

Action has been completed by the County of Mendocino on the below described project located within the Coastal Zone.

**CASE#:** CDU 9-2005  
**DATE FILED:** 3/25/2005  
**OWNER:** MENDOCINO COUNTY DEPARTMENT OF TRANSPORTATION  
**APPLICANT:** GUALALA COMMUNITY SERVICES DISTRICT  
**AGENT:** MATRIX ENVIRONMENTAL PLANNING

10/02/07  
 10:42:07  
 10/02/07  
 10:08:08  
 10/02/07

**REQUEST:** Coastal Development Use Permit to extend a 6-inch diameter wastewater main from an existing Gualala Community Services District system to serve a proposed school in Gualala. The addition to the main would extend approximately 1.25 miles and would be located entirely within a County road right-of-way. Actual service connection to the school would be installed as part of the school construction. The scope of the project is to serve only the proposed school and no other connections will be provided.

**LOCATION:** Partially within the Coastal Zone, approximately 1 mile northeast of the Town of Gualala. The project follows a right-of-way segment beneath Old Stage Road (CR# 502), beginning approximately 0.9 mile north of Highway 1, at intersection of Bodhi Tree Lane (Private) and extending to access road to proposed Gualala school site (formally Bowers Field landing strip), located along Old Stage Road.

**PROJECT COORDINATOR:** IGNACIO GONZALEZ

**ACTION TAKEN:**

The Planning Commission, on September 20, 2007, approved the above described project. See attached documents for the findings and conditions in support of this decision.

The above project was not appealed at the local level.

This project is appealable to the Coastal Commission pursuant to Public Resources Code, Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Appeals must be in writing to the appropriate Coastal Commission district office.

**Attachments**

cc: Coastal Commission  
 Assessor

<b>EXHIBIT NO. 5</b>
<b>APPEAL NO.</b>
A-1-MEN-07-043 - GUALALA COMMUNITY SERVICES DIST.
NOTICE OF FINAL LOCAL ACTION & COUNTY STAFF REPORT (1 OF 23)



OCTOBER 2, 2007

FINAL FINDINGS AND CONDITIONS OF APPROVAL  
CASE# CDU 9-2005 – MENDOCINO COUNTY DEPARTMENT OF TRANSPORTATION  
SEPTEMBER 20, 2007

The Planning Commission approves Coastal Development Use Permit # CDU 9-2005 subject to the conditions of approval recommended by staff further finding:

1. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. The proposal will result in the construction and installation off a 6-inch diameter PVC plastic wastewater line in the public right-of-way of Old Stage Road, approximately 6,500 feet in length, which is to be installed prior to use and occupancy of the proposed Gualala Elementary School.
2. That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. The proposed project will provide a public benefit by providing the necessary infrastructure necessary for the wastewater removal for the proposed Gualala Elementary School, thereby minimizing any potential health and safety impacts that could be created without such infrastructure.
3. That such use preserves the integrity of the zoning district. Pursuant to the County Zoning Ordinance, school facilities are permitted subject to securing a Use Permit.

**RECOMMENDED CONDITIONS:**

**A. Conditions, which must be complied with for the duration of this permit:**

1. This permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted. Failure of the permittee to make use of this permit within two years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
3. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.
4. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds:
  - a. That such permit was obtained or extended by fraud.

- b. That one or more of the conditions upon which such permit was granted have been violated.
- c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

- 5. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
- 6. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
- 7. It shall be the responsibility of the applicant to ensure that contractors engaged to perform work on the site are aware of the conditions of this permit and that all work performed is in compliance with applicable conditions.

**B. Conditions, which must be met prior to the use and/or occupancy and for the duration of the permit:**

- 1. Adequate drainage controls shall be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
- 2. Adequate construction and post-construction best management practices shall be implemented to prevent contamination of surface and/or ground water, and to prevent erosion. During construction activities, temporary erosion control measures shall be in place at the end of each day's work, and shall be maintained until permanent protection is established. All earth moving activities shall be conducted between May 15<sup>th</sup> and October 15<sup>th</sup> of any given calendar year unless the County of Mendocino or other agency having jurisdiction approves wet weather construction protocols to be implemented and maintained during the course of construction.
- 3. The applicant shall endeavor to protect as much native, non-invasive vegetation on the site as possible, removing only as much required to construct residential and accessory structures, including driveways and landscaping.
- 4. The proposed sanitary sewer shall be constructed within Old Stage Road (CR 502) pursuant to encroachment procedures administered by the Mendocino County Department of Transportation, and in accordance with improvement plans prepared by a Civil Engineer and approved by the Mendocino County Department of Transportation. The sanitary sewer shall be installed by the directional bore method, to the extent feasible, to minimize impacts to the existing County road pavement. The improvement plans shall be accompanied by a Geotechnical Report, prepared by a Registered Geotechnical Engineer, which evaluates the feasibility of the proposed directional bore, examines unstable areas of the roadway, and provides recommendations for the design and construction of the sanitary sewer. Appropriate measures shall be implemented to minimize the impact of the proposed facility on any unstable areas and incorporate design features, such as pipeline location and materials, which minimize the risk of pipeline rupture should the road fail.
- 5. During construction of the project, the Gualala Community Services District (GCSD) and its contractors shall comply with all Mendocino County Air Quality Management District regulations. Reasonable precautions shall be employed during construction operations to prevent release of fugitive dust. Precautions as follows:

- a. Any stationary onsite internal combustion engines over 50 horsepower (i.e. large power generator or pumps) may require a permit from the District, depending on fuel source and level of operation.
- b. All grading activities must comply with District regulation Rule 430 regarding fugitive dust emissions.
6. The proposed wastewater pipeline extension shall be established in conformance with all mitigation measures as contained in the Initial Study and Mitigated Negative Declaration, dated January 2005, prepared by Matrix Environmental Planning on behalf of the Gualala Community Services District, including the Biological/Botanical report prepared by Jane Valerius, Environmental Consulting, dated December 14, 2004.
7. Exclusion fencing shall be installed prior to construction activities occurring and said fencing shall be maintained for the duration of the construction along the east side of Old Stage Road where it is adjacent to the wetland areas to contain the construction activity within the work area and preclude inadvertent encroachment on the sensitive habitat.
8. To prevent the take of individuals, a nesting bird survey shall be conducted one week prior to ground breaking if construction is to occur between the months of February 15 and August 31. If nesting birds are found, the California Department of Fish and game shall be consulted as to the appropriate action and protocol.
9. Construction hours shall be limited to the hours of 8:00 a.m. to 6:00 p.m. on non-holiday weekdays, with no construction occurring on holidays. All stationary equipment (e.g., generators, compressors, etc.) shall be shielded from all adjacent residences; all equipment shall be properly maintained and muffled; and construction traffic shall not be permitted before 7:30 a.m.
10. The proposed wastewater pipeline is specifically limited to providing wastewater service to the proposed Gualala Elementary School. No residential connections to this extended line may be provided unless approved by the County of Mendocino, priority should be given to failed septic systems in the area.
11. The construction contractor shall ensure that provisions will be available at all times to accommodate emergency vehicles at locations where access to adjacent properties may be blocked. Such measures may include the use of steel plates over excavations, short detours, and/or alternative routes
12. Written verification shall be submitted from the Department of Forestry and the South Coast Fire District to the Department of Planning and Building Services that adequate fire safe measures have been met to the satisfaction of the Department of Forestry and the fire district.
13. Relative to repairs of inevitable future problems that may occur to the proposed waste water line, such as line breaks, and leaks, and to minimize problems and tearing up the roadway, the contractor shall install a copper locator wire with all segments of the pipe to be demonstrated that the connections are correct and a continuous circuit exists.
14. All equipment fueling and servicing shall occur at a designated location (i.e. staging area on the site or a local service station; additionally, any spills resulting from fueling or hydraulic line breaks/leakage shall be contained and cleaned up immediately; Fluids drained from construction equipment and machinery shall be collected in a leak proof container(s) and disposed of at an appropriate disposal facility; no refueling or servicing shall be conducted without absorbent materials (i.e. absorbent pads, mats, granules, etc.).
15. If contaminated soils are encountered during construction, proper storage and/or disposal of any

soils that meet the definition of a hazardous waste shall be provided. Such soils will be removed for off-site treatment or disposal at an appropriate landfill.

16. In the event that archaeological resources are encountered during construction on the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.





COUNTY OF MENDOCINO  
DEPARTMENT OF PLANNING AND BUILDING SERVICES  
501 LOW GAP ROAD · ROOM 1440 · UKIAH · CALIFORNIA · 95482

RAYMOND HALL, DIRECTOR  
Telephone 707-463-4281  
FAX 707-463-5709  
pbs@co.mendocino.ca.us  
www.co.mendocino.ca.us/planning

August 24, 2007

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, September 20, 2007, at 9:00 a.m., to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project at the time listed or as soon thereafter as the item may be heard.

**CASE#:** CDU 9-2005

**DATE FILED:** 3/25/2005

**OWNER:** MENDOCINO COUNTY DEPARTMENT OF TRANSPORTATION

**APPLICANT:** GUALALA COMMUNITY SERVICES DISTRICT

**AGENT:** MATRIX ENVIRONMENTAL PLANNING

**REQUEST:** Coastal Development Use Permit to extend a 6-inch diameter wastewater main from an existing Gualala Community Services District system to serve a proposed school in Gualala. The addition to the main would extend approximately 1.25 miles and would be located entirely within a County road right-of-way. Actual service connection to the school would be installed as part of the school construction. The scope of the project is to serve only the proposed school and no other connections will be provided.

**LOCATION:** Partially within the Coastal Zone, approximately 1 mile northeast of the Town of Gualala. The project follows a right-of-way segment beneath Old Stage Road (CR# 502), beginning approximately 0.9 mile north of Highway 1, at intersection of Bodhi Tree Lane (Private) and extending to access road to proposed Gualala school site (formally Bowers Field landing strip), located along Old Stage Road.

**PROJECT COORDINATOR:** IGNACIO GONZALEZ

**ENVIRONMENTAL DETERMINATION:** The Gualala Community Service District is the lead agency responsible for project compliance with the California Environmental Quality Act. A Negative Declaration has been prepared for the above project by the Gualala Community Service District. Mendocino County, as a responsible agency, must consider the Negative Declaration adopted by the Gualala Community Service District, but is not responsible for making the environmental determination for the project. The staff report and notice are available for public review at 501 Low Gap Road, Room 1440, Ukiah, California and at 790 South Franklin Street, Fort Bragg, California. The staff report and notice will be available on the Department of Planning and Building Services website at [www.co.mendocino.ca.us/planning](http://www.co.mendocino.ca.us/planning).

Your comments regarding the above project are invited. Written comments should be submitted to the Department of Planning and Building Services, at 501 Low Gap Road, Room 1440, Ukiah, California 95482, no later than September 19, 2007. Oral comments may be presented to the Planning Commission during the public hearing.

The Planning Commission's action regarding the item(s) shall constitute final action by the County unless appealed to the Board of Supervisors. If appealed, the Board of Supervisors action shall be final except that an approved coastal development project may be appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on the project. To file an appeal of the Planning Commission's decision, a written statement must be filed with the Clerk of the Board with a filing fee within 10 calendar days of the Planning Commission's decision. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 463-4281, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

RAYMOND HALL, Secretary to the Planning Commission



**OWNER:** MENDOCINO COUNTY DEPT. OF TRANSPORTATION  
340 LAKE MENDOCINO DRIVE  
UKIAH, CA 95482

**APPLICANT:** GUALALA COMMUNITY SERVICES DISTRICT  
P.O. BOX 124  
GUALALA, CA 95445

**AGENT:** ERNIE RALSTON  
MATRIX ENVIRONMENTAL PLANNING  
301-C EAST STREET  
HEALDSBURG, CA 95448

**REQUEST:** Coastal Development Use Permit to extend a 6-inch waster water main from an existing Gualala Community Services District system to serve a proposed school in Gualala. The addition to the main would extend approximately 1.25 miles and would be located entirely within a county road right-of-way. Actual service connection to the school would be installed as part of the school construction. The scope of the project is to serve only the proposed school and no other connections will be provided.

**LOCATION:** Partially within the Coastal Zone, approximately 1 mi NE of the Town of Gualala. The project follows the right-of-way segment beneath Old Stage Road (CR# 502), beginning approximately 0.9 mi north of Highway 1 at the intersection of Bodhi Tree Lane (private lane) and extending to access road to the proposed Gualala School site (formerly Bowers Field landing strip), located along Old Stage Road.

**TOTAL ACREAGE:** N/A

**ZONING:** Remote Residential (RMR)/Rural Residential (RR1/RR5)/ General Industrial (I-2) /Timberland (TP-160)

**ADJACENT ZONING:**  
North: Rural Residential (RR-1)  
East: Rural Residential/ Timber Production Zone/ Limited Industrial (RR-1/RR-5/TP-160/I-1)  
South: Rural Residential/ Remote Residential (RR-5/RMR-40)  
West: Rural Residential/ Remote Residential (RR-5/RMR-40)

**GENERAL PLAN:**  
North: Remote Residential (RMR-40)  
East: Rural Residential/ Remote Residential/ Forest Lands (RR-5/RMR-40/FL-160)  
South: Rural Residential/ Remote Residential (RR-5/RMR-40)  
West: Rural Residential/ Remote Residential (RR-5/RMR-40)

**EXISTING USES:** County Road

**SURROUNDING LAND USES:**  
North: Residential  
East: Residential/Industrial/Timberlands  
South: Residential/Timberlands

West: Residential/Timberlands

**SURROUNDING LOT SIZES:**

North: 0.22+/- to 10.5+/- acres  
 East: 0.33+/- to 24+/- acres  
 South: 1.6+/- to 40+/- acres  
 West: 0.34+/- to 120+/- acres

**SUPERVISORIAL DISTRICT:** 5

**OTHER RELATED APPLICATIONS ON SITE OR SURROUNDING AREA:** Coastal Development Use Permit for the construction of a new K-5 elementary school to be phased as follows: Phase 1 to include a 3,118 sq. ft. library/administration building, four (4) 2,215 sq. ft. classroom buildings, parking lot and playground; Phase 2 to include four (4) 2,215 sq. ft. classroom buildings and a playground; Phase 3 to include an 8,607 sq. ft. multi-purpose building and parking lot. The project also includes associated major vegetation removal (5+/- acres), grading (5,400 cy cut and 3,800 cy fill), road improvements, lighting and sign, for a total of 29,447 sq. ft. of gross building area, 105,453 sq. ft. of paved area and 50,100 sq. ft. of landscaped area on a 10.5+/- acre parcel. Coastal Development Variance to the 28-foot height limit for the construction of a 39'-6" high multipurpose building and a 32'-9" high library/administration building. The proposed school is located within the Coastal Zone, 1.25+/- miles NE of downtown Gualala, on the E side of Old Stage Road (CR 502), 0.2+/- miles S of its intersection with Pacific Woods Drive (CR 524), formerly Bower's Field landing strip. CDU 10-2004/CDV 10-2004 is to be processed concurrently with the request for the proposed Gualala Community Services District Waste Water extension proposal.

**PROJECT DESCRIPTION:** The applicant, the Gualala Community Services District (GCSD), is requesting approval of a Coastal Development Use Permit to extend a 6-inch diameter wastewater collection main along Old Stage Road from Zone 2 to Zone 4 to serve the proposed Gualala Elementary School. The Arena Union Elementary School District is proposing the new school at the site of the former Bowers Field landing strip. The main extension will begin at the termination point of the existing system approximately 0.9 mile north of Highway 1, at the junction of Bodhi Tree Lane (private road) and Old Stage Road, and end at the access road to the proposed Gualala School site. The length of the proposed main extension is approximately 6,500 feet and will be located completely within the County right-of-way, typically in the center of one of the travel lanes. The service connection from the school to the main will be installed along the school entrance road as part of the school construction. The scope of the project is to serve only the school, with no residential and commercial service connections to be provided as part of this project.

The primary construction technique for the installation of the PVC plastic pipe will be achieved by directional bores, drilled using a surface-operated drilling device angled into the ground and directed to its destination by remote control. Surface excavation would be required for the location of bore pits (for starting and ending bores and pipe tie-in points), and the placement of maintenance access holes. A nominal 10-ft. x 80-ft. workspace would be required for the drilling operations, occupying the paved travel lane and the disturbed/maintained road shoulder. All construction activities are to be limited to the paved travel lane and adjacent disturbed/maintained road shoulder. The majority of the drilling equipment would be staged on the paved area. The bore crew would consist of 6 to 8 people. Bores are generally drilled at a rate of 500 to 700 feet per day. Each bore would take approximately one to two days to complete. Bentonite slurry drilling fluid is to be utilized to help lubricate the drill bit, prevent the bore tunnel from collapsing, and carry drill cuttings to the surface.

**ENVIRONMENTAL REVIEW:** The Gualala Community Services District (GCSD) is the lead agency responsible for compliance with the California Environmental Quality Act (CEQA). The GCSD has prepared a Mitigated Negative Declaration along with mitigation measures to minimize impacts associated with the proposal, and was circulated through the State Clearinghouse (SCH 2005022008). Pursuant to CEQA Guidelines Section 15050(b) "... the decision making body of each responsible agency shall consider the lead agency's EIR or Negative Declaration prior to acting upon or approving the project. Each responsible agency shall certify that its decision-making body reviews and considers the information contained in the EIR or Negative Declaration on the project." Mendocino County has jurisdiction pursuant to its coastal permit authority and is a responsible agency as defined within Section 15051 of the CEQA Guidelines. A copy of the GCSD's Initial Study and Mitigated Negative Declaration is being provided to the Commission members for their ease of review and clarification of issues.

The following is a discussion of environmental impacts and mitigation measures identified in the Mitigated Negative Declaration. The construction of the waste water line is to be limited to the paved travel way and disturbed/maintained shoulders, thus the GCSD will avoid wetlands, watercourses, and sensitive habitats during construction. The use of directional boring as the primary construction technique will also contribute to the minimization of potential impacts.

Earth Movement (Items 1a, 1b, 1c, 1g) According to the Gualala Community Services District's environmental documentation (Initial Study & Negative Declaration), the proposed waste water line will be located in the Alquist-Priolo Special Studies Zone associated with the San Andreas Fault. The District's Initial Study noted that while the proposed wastewater line may be exposed to seismic related effects, plastic material is sufficiently flexible to withstand such effects and this impact is considered to be less than significant.

The pipeline will be installed in the paved road area so topsoil will not be affected. Expansive soils will not affect the underground pipeline and the project represents an alternate wastewater disposal system due to low permeability soils. Old Stage Road has historically been a stable road and has not experienced landslides, except for a 100-foot segment at approximate milepost 0.65. The outside lane of this segment failed many years back and still requires periodic reinforcement by County road maintenance to keep the slope in check. The asphalt pavement surface in the outside lane at this point is presently wrinkled, indicating subsurface settlement. Should outside lane of this road segment fail, the proposed wastewater pipeline may rupture and result in the discharge of untreated wastewater, representing a *potentially significant impact*.

The Mendocino County Department of Transportation Encroachment Permit Procedures require that plans for any sanitary sewage facilities to be constructed within the County Road right-of-way shall be prepared by a properly Registered Civil Engineer. The Civil Engineer preparing the plans will review the facility route and have any potentially unstable areas reviewed by a qualified Registered Geotechnical Engineer, at his/her discretion. The Civil Engineer preparing the plans may incorporate design features, such as subtle manipulation of pipeline location and materials, which minimize the risk of pipeline rupture should the road fail. Implementation of this mitigation measure would reduce this potentially significant impact to a less than significant level (See Condition Number B-4). Conditions B-1, B-2, and B-3 are also recommended to address earthmoving activities, including erosion and water quality impacts resulting from earth disturbances.

Air Quality (Item 2a): According to the environmental document, it states that Mendocino County is in "attainment" for all state standards except PM-10 (respirable particulates 10 microns or smaller).

Relative to potential impacts, the only emissions associated with the project will be from the operation of construction equipment for the four week construction period and will not violate any air quality standard or air quality plan, and will produce no odors. However, to minimize local air quality effects on residents along Old Stage Road from the emissions associated with concentrated construction activity, the contractor will be instructed in the contract documents to minimize the idling time of diesel powered equipment. As such, the project should have *no impact* or a *less than significant impact* on air quality. Although, staff does not question or dispute this mitigation, staff will recommend that in addition all required permits and clearances from the Mendocino County Air Quality Management District be secured prior to commencement of any construction of the wastewater line occurs. Compliance with Condition Number B-5 will address potential air quality impacts that may result from the short-term construction activities associated with the installation of the waste water pipeline.

Water (Item 3b, 3c, 3d, 3e, 3h, and 3i) As Identified on the FEMA Flood Insurance Rate Map for the area in question, the project is not within a 100-year flood zone. The primary hydrologic feature in the area is the Gualala River, which flows to the ocean just south of the project. The North Gualala Water District whose existing pipelines also occupy the County roads in the project area supplies local domestic water in the area. The segment of Old Stage Road used for the proposed project climbs a south-facing side hill rising up to the top of the ridge where it terminates at the service connection to the proposed school. Surface runoff is diverted into natural drainages via road-side ditches and culverts as there is no formal storm water collection system in the project area. The project will not utilize ground water for construction or operations, adversely affect water quality or affect any waterway or stream. As such, there will be *no impact* to Hydrology and Water Quality.

Plant/Animal Life (Items 4a,4b,4c,5a,5b) According to the initial study prepared for the waste water line project, there is limited vegetation within the road shoulder of Old Stage Road. Most of the roadside is occupied by rural residential homes and landscaped yards. Native vegetation within 50 feet of the paved roadway consists of forested vegetation dominated by native trees such as coast redwood, pine, and Douglas fir and patches of non-native trees such as blackwood acacia, and blue gum eucalyptus. Additionally, there is a thick understory of shrubs, including manzanita, toyon, and evergreen huckleberry, bracken fern, fescue grass, and various other grasses. Much of the roadside vegetation consists of patches of weeds including French Scotch broom, Jubata grass and Himalayan blackberry. There were also several disturbed areas that were identified as potential staging areas. These disturbed areas also included an old lumber area and a ball field. The report also noted that the headwaters for China Gulch occur near Old Stage Road in the northern portion of the project area. However, it does not appear that the roadway crosses the headwaters.

Relative to wildlife habitats, many of the trees adjacent to the roadway are small in diameter and do not provide the same habitat for nesting passerines (perching birds) or roosting bats as larger trees. It is also noted that the existing roadway is located in a rural residential development and provides a movement corridor along the shoulders of the roadway. However, the proposed project will not impede wildlife movement or remove the corridor.

The GCSD's Initial Study & Mitigated Negative Declaration also addressed special status plants and animals, and noted the following:

Six special status plant species could potentially occur within the habitat types found within the project area. These are: Humboldt milk-vetch; Bolander's reed grass; swamp harebell, coast lily; running pine or club moss; and maple leaved checkerbloom. A field survey was completed which did not find any of the special status species and further concluded that because of disturbed nature of the road, road shoulders, and the presence of disturbed or altered areas such as residential development, old lumber sites, and ball fields, it that it was unlikely that any special status plants would occur within the area proposed for the trenching or staging of equipment.

Relative to special status animal species, the Gualala Community Services District's environmental document noted that based on a literature review of the California natural Diversity Data Base; the Special Animals list, the following eight special status wildlife species could potentially occur within the habitat types found within the general project area:

- Mammals: red tree vole & Pale big-eared bat;
- Birds: Rhinoceros auklet & tufted puffin
- Amphibians: Northern red-legged frog;
- Fish: Gualala Roach
- Invertebrates: Monarch butterfly & Behren's silverspot butterfly

The GCSD's Initial Study/Mitigated Negative Declaration further indicated that based on a field survey conducted of the project area, none of the species noted above have a potential for occurrence at the project site.

The environmental document prepared by the GCSD concluded that the installation of the pipeline within the paved travel lanes and disturbed/maintained shoulders represents the least environmentally damaging alternative for installation of the pipeline between the new Gualala Elementary School and the terminus of the District's existing system. It is further noted that there will be no impact to any special status plants. Additionally, the Negative Declaration for the project further states that the project as proposed will not interfere substantially with any migrating movements of wildlife species and will not conflict with any local policies or ordinances.

So as to insure that the potential for impacts is reduced to less than significant, Conditions Numbers B-6, B-7, and B-8 are recommended.

Noise (Items 6a and 6b): The Initial Study/Negative Declaration prepared for the project indicates that there are approximately 36 residences that front Old Stage Road on the pipeline segment. Noise associated with the proposed project will be limited to the construction phase of the pipeline project. Construction equipment will consist of water trucks, an HDD drilling machine, rubber tired backhoe, trencher and dump truck. Typically, the

maximum noise generated by these types of construction equipment ranges from 75 to 95 dBA at 50-feet. The Negative Declaration finds that residences fronting on Old Stage Road and some residences on Gualala Court will experience construction noise levels greater than ambient noise levels, with sensitive receptors only being exposed to a few days of noise along the pipeline. So as to mitigate project impact noise, staff recommends the following mitigations be incorporated into the entitlement:

Construction hours shall be limited to the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, with no construction activities occurring on holidays; all stationary equipment (e.g., generators, compressors, etc.) shall be shielded from residences along Old Stage Road; all equipment shall be properly maintained and muffled; and construction traffic shall not be permitted before 7:30 a.m. Provided that these recommended mitigation measures are implemented, staff believes that the short term construction noise impacts will be minimal (see Condition Number B-9).

Land Use (Item 8a): The purpose of the new wastewater line is to serve the proposed school only, with no residential connections proposed as part of the wastewater extension. The Gualala Town Plan states that future residential development/growth should be concentrated with the Town Plan area, thereby relieving development pressures on resource lands in the outlying areas. The Gualala Town Plan also notes that new development within the GCSD assessment/service area cannot proceed unless connection to the wastewater treatment system has been authorized by the GCSD.

Although, the proposal for the wastewater system extension is only to serve the proposed school, concern remains about the growth inducing potential of the extension of service to the area. The GCSD is divided into four zones, with Zone 1 and 2 being the commercial and residential development closest to the coast, and Zones 3 and 4 being those more easterly areas lying up the hill and along Old Stage Road. The school site is located within Zone 4. Within the traffic study prepared by W-Trans, they site a Winzler and Kelly Consulting Engineers study prepared in 2003 that concluded if no changes were made to existing zoning, 181 single family residential units could be developed in Zones 3 and 4 as a result of the sewer service expansion. This figure is based on the number of existing undeveloped parcels and the number of parcels that could potentially be subdivided, again based on existing zoning. Rau and Associates prepared a cumulative impact analysis for the GCSD sewer line extension relative to the proposed school. The impact analysis, dated January 12, 2006, prepared by Rau and Associates has provided estimated build out figures addressing the potential for growth inducement resulting from expanded sewer services. Relative to the sewer line extension, the report noted as following:

1. Detailed residential buildout projections and analyses are included in the Gualala Town Plan, as are goals and policies to address projected population growth. The figures we calculated may be used to supplement the information provided in the Town Plan.
2. At this time the sewerline extension is intended to serve the elementary school ONLY. Soil testing has demonstrated that the soils on the school property will not support an onsite septic system; therefore the only means for developing the property as a school would be if sewer services were made available. The property was donated to the School District, and as such is the only economically feasible location to develop a school.
3. Construction of an elementary school in Gualala is the result of a significant need as identified in Section 2.8 of the Gualala Town Plan:

*"The substantial additional residential development proposed within the Town Plan area could result in a significant increase in the population of school-age children. The existing elementary school and high school serving the Gualala area are in Point Arena. School officials indicate that as of 1997 the elementary school is approaching maximum capacity. The Gualala area already has the largest population of school-aged children attending these schools. Most children take the bus to and from school - a significant expense to the school district. Construction of a local school could enable many children to walk to school. The school district presently owns a 10 acre site adjoining, but outside of, the Town Plan area. It is possible that another site within the Town Plan area may be acquired at a future date.*

*Goal G2.8-1 To provide for development of needed educational facilities for the anticipated growth in the student population."*

According to the Town Plan, the school is being proposed **in response to an increasing population in order to serve the needs of the community**. Extension of the sewer line is necessary if the school is to be built.

According to Rau and Associates, the following table identifies a number of different scenarios based on whether potential growth resulting from the sewer line expansion would occur (a) only as far as the school property or (b) within the entirety of GCSD Zones 3 & 4. Again, the school site is located within Zone 4. Under each of these scenarios the number of residential parcels that could be created based on *existing* General Plan classification and zoning was determined, as well as the number of parcels that could be created subject to General Plan amendments and rezoning. Within the latter category, the number of parcels created is based on lot sizes of 5 acres, 1 acre, and 6,000 square feet. Lot sizes of 6,000 square feet have been considered since the identified areas are served by a local water district (where public sewer and water service is available the minimum lot size is 6,000 square feet). Calculations reflect an 80 percent build out scenario.

**Table 1. Buildout Projections: Includes the Area in Zone 4 from the Beginning of the Sewerline Extension to the Proposed School Site**

General Plan Classification	Number of parcels that could be created based on existing GP classification	Number of parcels that could be created if the GP and zoning were changed to allow for increased density		
		LOT SIZE		
		5 acres	1 acre	6,000 square feet
FL160	0	9	54	404
RMR40	3	36	216	1615
RR5	2	N/A	22	187
RR5(RR2)	3	N/A	5	76
RR5(SR)	58	N/A	N/A	N/A
RR1	16	N/A	N/A	123
<b>TOTAL</b>	<b>82</b>	<b>45</b>	<b>297</b>	<b>2,405</b>

**Table 2. Buildout Projections: Includes all of Zones 3 and 4**

General Plan Classification	Number of parcels that could be created based on existing GP classification	Number of parcels that could be created if the GP and zoning were changed to allow for increased density		
		LOT SIZE		
		5 acres	1 acre	6,000 square feet
FL160	0	9	54	404
RMR40	2	46	300	2276
RMR20	0	5	37	295
RR5	2	N/A	22	187



RR5(RR2)	3	N/A	5	76
RR5(RR1)	8	N/A	N/A	156
RR5(SR)	58	N/A	N/A	N/A
RR1	30	N/A	N/A	314
<b>TOTAL</b>	<b>101</b>	<b>60</b>	<b>418</b>	<b>3,708</b>

The following rationale has been provided by Rau and Associates in their analysis of potential growth inducement impacts that could be attributed to the proposed project.

1. The above figures are significantly inflated inasmuch as they were calculated based on existing acreage and General Plan classifications only, and do not take into account any development constraints such as topography or timber conversion, or the feasibility of such increased density. Therefore, projected subdivision under the existing General Plan and zoning is inflated.
2. Any General Plan amendment, rezoning or subdivision would require CEQA review, including an analysis of all potential General Plan policy and environmental impacts resulting from proposed projects. Any residential development proposed within the Coastal Zone, including construction of a single-family residence, would require a Coastal Development Permit, also a discretionary process. For this reason, the analysis should be restricted to an analysis of impacts under the existing General Plan classifications. When the GCSD decides to expand into Zones 3 and 4, a complete environmental assessment, and likely an EIR, will be required at that time.
3. The proposed project does not request a General Plan or zoning density increase, but is merely requesting that services be provided to a proposed public use. The environmental document and any impacts that remain of concern to the lead agency, notwithstanding the arguments herein to the contrary, can be fully mitigated by adopting a mitigation that restricts services to the proposed use until further environmental review is performed in connection with any future discretionary project.
4. Gualala Town Plan policies and the Housing Element favor higher density, concentrated development within the central town area. These policies would tend to discourage density increases in this area that will rely upon limited water and sewer capacity.

The Gualala Town Plan provides the planning goals and policies establishing a scenario for growth over a 30 year planning horizon. The plan stipulates that no additional development may occur in the GCSD zones 1 and 2 unless a wastewater connection with GCSD has been authorized. The proposed wastewater pipeline extension is proposed to extend into zone 4, which is presently not served. While the analysis provided does illustrate the potential for growth inducement, the proposed extension of the waste water pipeline is specifically limited to providing waste water service to the proposed school and no residential connections are to be provided (Condition Number B-10).

Natural Resources (Item 9a): The project site is located partially within the Coastal Zone and has neighboring land use designations of RMR 40; FL 160; I; RR1; and RR5. The immediate surrounding area is primarily characterized by rural residential development with a mixed conifer and deciduous coastal mixed conifer hardwood woodlands. As previously noted, the pipeline corridor (Old Stage Road) has been developed with approximately 36 residences, situated on both sides of the roadway. The proposed wastewater line is to be installed within the public right-of-way of Old Stage Road and will not encroach upon resources lands. No areas of Williamson Act or Timber Production zoning will be impacted by the project as it is all within the roadway area. One area of the project will be on lands adjoining lands zoned TP, but no impacts to timber resources is anticipated. The proposal will not involve the removal of timber for the proposed wastewater line, thus no impacts are anticipated upon timber resources as a result of the proposal.

Based on the discussion above, it is not anticipated that the proposal will result in conflicts with the Coastal Element policies noted or other aspects of the Coastal Element relative to resources.

Transportation/Circulation (Items 12a, 12b, 12c and 12f): Pursuant to the environmental document prepared by the GCSD, Old Stage road is one of two primary access routes to the residential development on the ridge east of State Highway One that forms the eastern side of Gualala. The other access is via Pacific Woods Road. Both of these roads are county maintained paved roads, approximately 20-feet in width, and are operating at Level of Service A (free flow conditions). Old Stage Road and Pacific Woods Road are classified as minor collectors roads.

The sewer line extension project will not, of itself generate any new traffic, however, the W-Trans study for the proposed Gualala Elementary School concludes that 323 new daily trip ends, including 105 trips during the a.m. peak hour and 70 trips during the school departure period would result from that project. The addition of these trips to existing base volumes at the three study intersections would have less than significant impacts on the level of service. Relative to construction activities, Condition Number B-11 has been provided to ensure that provisions will be available at all times to accommodate emergency vehicles at locations where access to adjacent properties may be blocked.

Public Service (Item 13a): The project was referred to both the California Department of Forestry and also to the South Coast Fire District. As of the writing of this staff report, no comments have been received by either agency. Staff would however, require that Condition Number B-12 be required to mitigate any impacts the construction activities may have upon existing fire services.

Utilities (Item 15A): The subject property is within the North Gualala Water Company's (NGWC) service area for domestic water. Wastewater disposal is provided by the GCSD in zones 1 and 2 of its service area and by individual septic systems elsewhere in the project area. Storm water runoff is collected in roadside ditches and diverted into natural drainages. Condition B-13 has been recommended in order to address maintenance and repair of the proposed wastewater line.

Human Health/Hazards (Items 16a, 16b and 16c): The Negative Declaration for the proposed project states that the primary issue of concern relative to hazardous materials handling and contamination are worker health and safety and public exposure to hazardous materials during construction and waste handling. Hazards could potentially result from construction related fuel spills and the unlikely excavation of previously known contaminated materials from trenching along Old Stage Road.

It is not anticipated that the proposed project would require long-term storage, treatment, disposal, or transportation of significant quantities of hazardous materials. It is anticipated that during construction activities small quantities of hydrocarbons (i.e. gasoline, diesel fuels, lubricants, solvents, etc.) required for operations and maintenance of construction equipment will be stored and utilized on-site. However, these generally tend to be small quantities, however, if not adequately addressed, a potential environmental impact could result from potential spills. In addition, bentonite will be used in a closed loop system for boring lubricant and will be properly disposed of following the construction/installation of the pipeline. Staff will recommend that all equipment fueling and servicing shall occur at a designated location (i.e. staging area on the site or a local service station; additionally, any spills resulting from fueling or hydraulic line breaks/leakage shall be contained and cleaned up immediately; Fluids drained from construction equipment and machinery shall be collected in a leak proof container(s) and disposed of at an appropriate disposal facility; no refueling or servicing shall be conducted without absorbent materials (i.e. absorbent pads, mats, granules, etc.). Compliance with *Conditions Numbers B-14 and B-15* will address potential impacts associated with hazardous materials as noted above.

Aesthetics (Item 17a): Although the project is located partially within the Coastal Zone, it is not located on the west side of Highway 1 or within a Highly Scenic Area as designated by the Coastal Element, as it is located along the public right-of-way of Old Stage Road. The proposed wastewater line that will serve the proposed Gualala elementary school is to be installed within the existing County road right-of-way, which will not require the removal of or disturbance of nearby vegetation, and will be installed utilizing trenches and boring under the roadway. Additionally, no additional driveways or roadways will be created as result of the proposal.



Cultural Resources (Items 19a, 19b): As part of the determination made pursuant to Government Code Section 21080.1, the lead agency shall determine whether the project may have a significant effect on archaeological resources. Specifically, Mendocino County Coastal Element Policy 3.5-10 states as follows:

*"The County shall review all development permits to ensure that proposed projects will not adversely affect existing archaeological and paleontological resources. Prior to approval of any proposed development within an area of known or probable archaeological or paleontological significance, a limited field survey by a qualified professional shall be required at the applicant's expense to determine the extent of the resource. Results of the field survey shall be transmitted to the State Historical Preservation Officer and Cultural Resources Facility at Sonoma State University for comment. The County shall review all coastal development permits to ensure that proposed projects incorporate reasonable mitigation measures so the development will not adversely affect existing archaeological/paleontological resources. Development in these areas are subject to any additional requirements of the Mendocino County Archaeological Ordinance.*

As noted above, Coastal Plan Policy 3.5-10 (Mendocino County Code Section 22.12.090) calls for the protection of archaeological resources, and requires that any finds during construction be evaluated by a professional archaeologist. According to the Negative declaration prepared by the lead agency (Gualala Community Services District), a records search of the project area was conducted by Alex DeGeorgey of Sentinel Archaeological research at the Northwest Information Center (NWIFC) at Sonoma State University.

The NWIFC files revealed one historical site and nine cultural resource surveys recorded within one half mile of the project area. One of the sites noted was located outside of the Area of Potential Effect (APE), while the other eight surveys reported negative results. It is also noted that none of the GCSD project area has been previously surveyed for archaeological resources and no known Native American or historic-period archaeological resources are recorded within the project APE.

Based upon the review by the Northwest Information Center at Sonoma State University and the findings noted within the Negative Declaration prepared for the proposed project, no significant impacts upon archaeological/paleontological resources are anticipated as a result of the proposed project. However, should archaeological discoveries occur during any disturbance of the site, including development, compliance with requirements established by the Mendocino County Archaeological Resources Discovery Clause, Mendocino County Code Section 22.12.090 Discoveries, would adequately address any future cultural concerns. (See Condition Number B-17).

**STAFF RECOMMENDATION:** Staff believes that the proposed project will aid in providing a public benefit to the local community by providing the necessary infrastructure for the construction of the Gualala Elementary School. Staff recommends that the project be approved with the understanding that all mitigation measures incorporated into the Gualala Community Services District's environmental document, as well as the additional mitigation measures/conditions of approval, including the provision that no residential connections be permitted in association with this entitlement, and that the proposed wastewater line extension is only established for the proposed Gualala Elementary School.

**GENERAL PLAN CONSISTENCY RECOMMENDATION:** The proposed project is consistent with applicable goals and policies of the General Plan.

**RECOMMENDED MOTION:**

**Environmental Findings:** The Planning Commission acknowledges that the Gualala Community Services District (GCSD) has assumed the role of lead agency under the California Environmental Quality Act, and that the Department has found that the Negative Declaration prepared by the lead agency is acceptable, and therefore, the commission need make no environmental determination. Further, the Commission has found that the Negative Declaration prepared by the lead agency is acceptable and approves Coastal Development Use Permit Number #CDU 9-2005.

**General Plan Consistency Finding:** As discussed under pertinent sections of this report, the proposed project is consistent with applicable goals and policies of the General Plan, Coastal Element, and the Gualala Town Plan as subject to the conditions being recommended by staff.

**Coastal Development Permit Findings:** The Planning Commission finds that the application and supporting documents and exhibits contain information and conditions sufficient to establish, as required by Section 20.532.095 of the Coastal Zoning Code, that:

1. The proposed development is in conformity with the certified Local Coastal Program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code, and preserves the integrity of the zoning district; and
4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.

**Project Findings:** The Planning Commission approves #CDU 9-2005 subject to the conditions of approval recommended by staff further finding:

1. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. The proposal will result in the construction and installation off a 6-inch diameter PVC plastic wastewater line in the public right-of-way of Old Stage Road, approximately 6,500 feet in length, which is to be installed prior to use and occupancy of the proposed Gualala Elementary School.
2. That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. The proposed project will provide a public benefit by providing the necessary infrastructure necessary for the wastewater removal for the proposed Gualala Elementary School, thereby minimizing any potential health and safety impacts that could be created without such infrastructure.
3. That such use preserves the integrity of the zoning district. Pursuant to the County Zoning Ordinance, school facilities are permitted subject to securing a Use Permit.

#### RECOMMENDED CONDITIONS:

##### A. Conditions, which must be complied with for the duration of this permit:

1. This permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted. Failure of the permittee to make use of this permit within two years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.

2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
3. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.
4. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds:
  - a. That such permit was obtained or extended by fraud.
  - b. That one or more of the conditions upon which such permit was granted have been violated.
  - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

5. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
6. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
7. It shall be the responsibility of the applicant to ensure that contractors engaged to perform work on the site are aware of the conditions of this permit and that all work performed is in compliance with applicable conditions.

**B. Conditions, which must be met prior to the use and/or occupancy and for the duration of the permit:**

1. Adequate drainage controls shall be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
2. Adequate construction and post-construction best management practices shall be implemented to prevent contamination of surface and/or ground water, and to prevent erosion. During construction activities, temporary erosion control measures shall be in place at the end of each day's work, and shall be maintained until permanent protection is established. All earth moving activities shall be conducted between May 15<sup>th</sup> and October 15<sup>th</sup> of any given calendar year unless the County of Mendocino or other agency having jurisdiction approves wet weather construction protocols to be implemented and maintained during the course of construction.
3. The applicant shall endeavor to protect as much vegetation on the site as possible, removing only as much required to construct residential and accessory structures, including driveways and landscaping.
4. The proposed sanitary sewer shall be constructed within Old Stage Road (CR 502) pursuant to encroachment procedures administered by the Mendocino County Department of Transportation, and in accordance with improvement plans prepared by a Civil Engineer and approved by the Mendocino County Department of Transportation. The sanitary sewer shall be installed by the directional bore method, to the extent feasible, to minimize impacts to the existing County road pavement. The improvement plans shall be accompanied by a Geotechnical Report, prepared by a

Registered Geotechnical Engineer, which evaluates the feasibility of the proposed directional bore, examines unstable areas of the roadway, and provides recommendations for the design and construction of the sanitary sewer. Appropriate measures shall be implemented to minimize the impact of the proposed facility on any unstable areas and incorporate design features, such as pipeline location and materials, which minimize the risk of pipeline rupture should the road fail.

5. During construction of the project, the Gualala Community Services District (GCSD) and its contractors shall comply with all Mendocino County Air Quality Management District regulations. Reasonable precautions shall be employed during construction operations to prevent release of fugitive dust. Precautions as follows:
  - a. Any stationary onsite internal combustion engines over 50 horsepower (i.e. large power generator or pumps) may require a permit from the District, depending on fuel source and level of operation.
  - b. All grading activities must comply with District regulation Rule 430 regarding fugitive dust emissions.
6. The proposed wastewater pipeline extension shall be established in conformance with all mitigation measures as contained in the Initial Study and Mitigated Negative Declaration, dated January 2005, prepared by Matrix Environmental Planning on behalf of the Gualala Community Services District, including the Biological/Botanical report prepared by Jane Valerius, Environmental Consulting, dated December 14, 2004.
7. Exclusion fencing shall be installed prior to construction activities occurring and said fencing shall be maintained for the duration of the construction along the east side of Old Stage Road where it is adjacent to the wetland areas to contain the construction activity within the work area and preclude inadvertent encroachment on the sensitive habitat.
8. To prevent the take of individuals, a nesting bird survey shall be conducted one week prior to ground breaking if construction is to occur between the months of February 15 and August 31. If nesting birds are found, the California Department of Fish and game shall be consulted as to the appropriate action and protocol.
9. Construction hours shall be limited to the hours of 8:00 a.m. to 6:00 p.m. on non-holiday weekdays, with no construction occurring on holidays. All stationary equipment (e.g., generators, compressors, etc.) shall be shielded from all adjacent residences; all equipment shall be properly maintained and muffled; and construction traffic shall not be permitted before 7:30 a.m.
10. The proposed wastewater pipeline is specifically limited to providing wastewater service to the proposed Gualala Elementary School. No residential connection to this extended line may be provided unless approved by the County of Mendocino.
11. The construction contractor shall ensure that provisions will be available at all times to accommodate emergency vehicles at locations where access to adjacent properties may be blocked. Such measures may include the use of steel plates over excavations, short detours, and/or alternative routes
12. Written verification shall be submitted from the Department of Forestry and the South Coast Fire District to the Department of Planning and Building Services that adequate fire safe measures have been met to the satisfaction of the Department of Forestry and the fire district.
13. Relative to repairs of inevitable future problems that may occur to the proposed waste water line, such as line breaks, and leaks, and to minimize problems and tearing up the roadway, the contractor shall install a copper locator wire with all segments of the pipe to be demonstrated that the connections are correct and a continuous circuit exists.

14. All equipment fueling and servicing shall occur at a designated location (i.e. staging area on the site or a local service station; additionally, any spills resulting from fueling or hydraulic line breaks/leakage shall be contained and cleaned up immediately; Fluids drained from construction equipment and machinery shall be collected in a leak proof container(s) and disposed of at an appropriate disposal facility; no refueling or servicing shall be conducted without absorbent materials (i.e. absorbent pads, mats, granules, etc.).
15. If contaminated soils are encountered during construction, proper storage and/or disposal of any soils that meet the definition of a hazardous waste shall be provided. Such soils will be removed for off-site treatment or disposal at an appropriate landfill.
16. In the event that archaeological resources are encountered during construction on the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.

8/23/07  
DATE

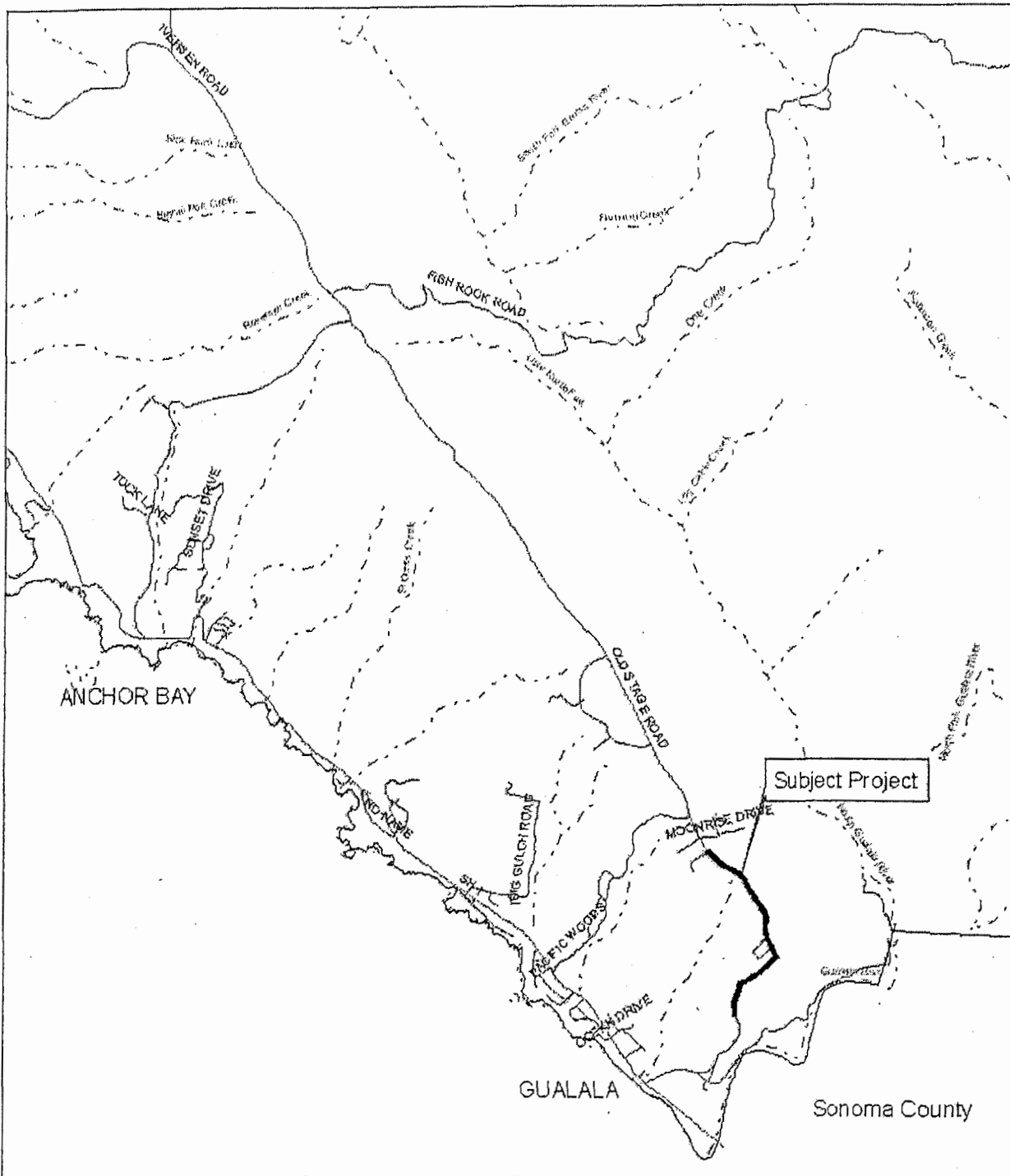
  
IGNACIO GONZALEZ  
CONTRACT PLANNER

IG/at  
August 10, 2007

Negative Declaration  
Appeal Fee - \$1,237.00  
Appeal Period - 10 days

\*\* Indicates conditions relating to Environmental Considerations - deletion of these conditions may affect the adoption of a Negative Declaration.

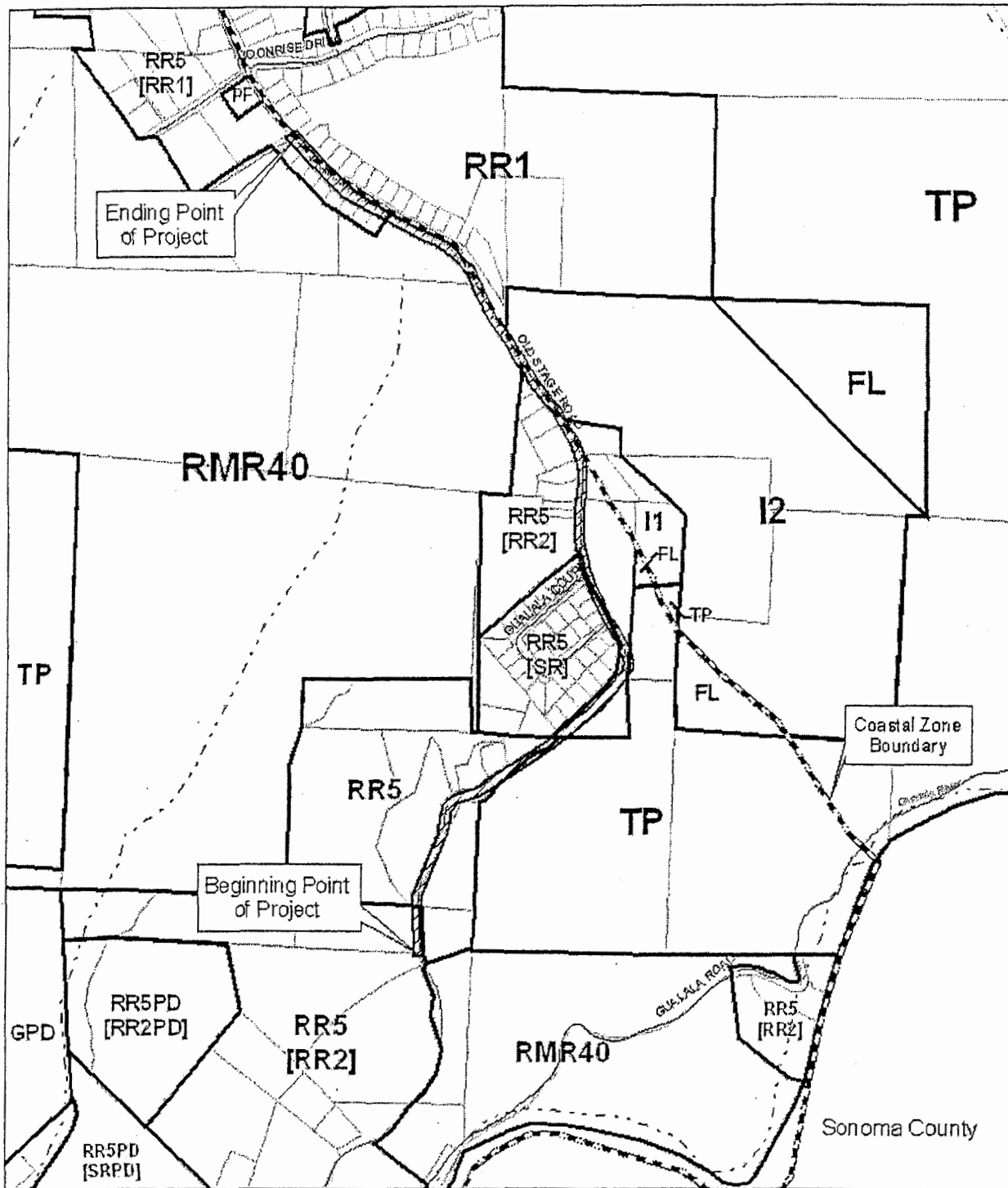
REFERRAL AGENCIES	REFERRAL NOT RETURNED	REFERRAL RECEIVED "NO COMMENT"	COMMENTS RECEIVED
Planning - FB		XX	
Department of Transportation			XX
Environmental Health - FB		XX	
Building Inspection - FB		XX	
Emergency Services	XX		
Air Quality Management			XX
County Water Agency	XX		
California Department of Forestry	XX		
Dept. of Fish and Game	XX		
Coastal Commission	XX		
RWQCB	XX		
U.S. Fish and Wildlife Services	XX		
LAFCO	XX		
GMAC			XX
Mendocino Transit Authority	XX		
P G & E	XX		
SBC	XX		
Arena union Elementary School Dist.	XX		



LOCATION MAP

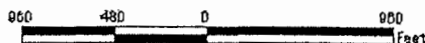
OWNER: MENDOCINO COUNTY DEPARTMENT OF TRANSPORTATION  
APPLICANT: GAULALA COMMUNITY SERVICES DISTRICT  
AGENT: RALSTON, Ernie  
CASE #: CDU 9-2005

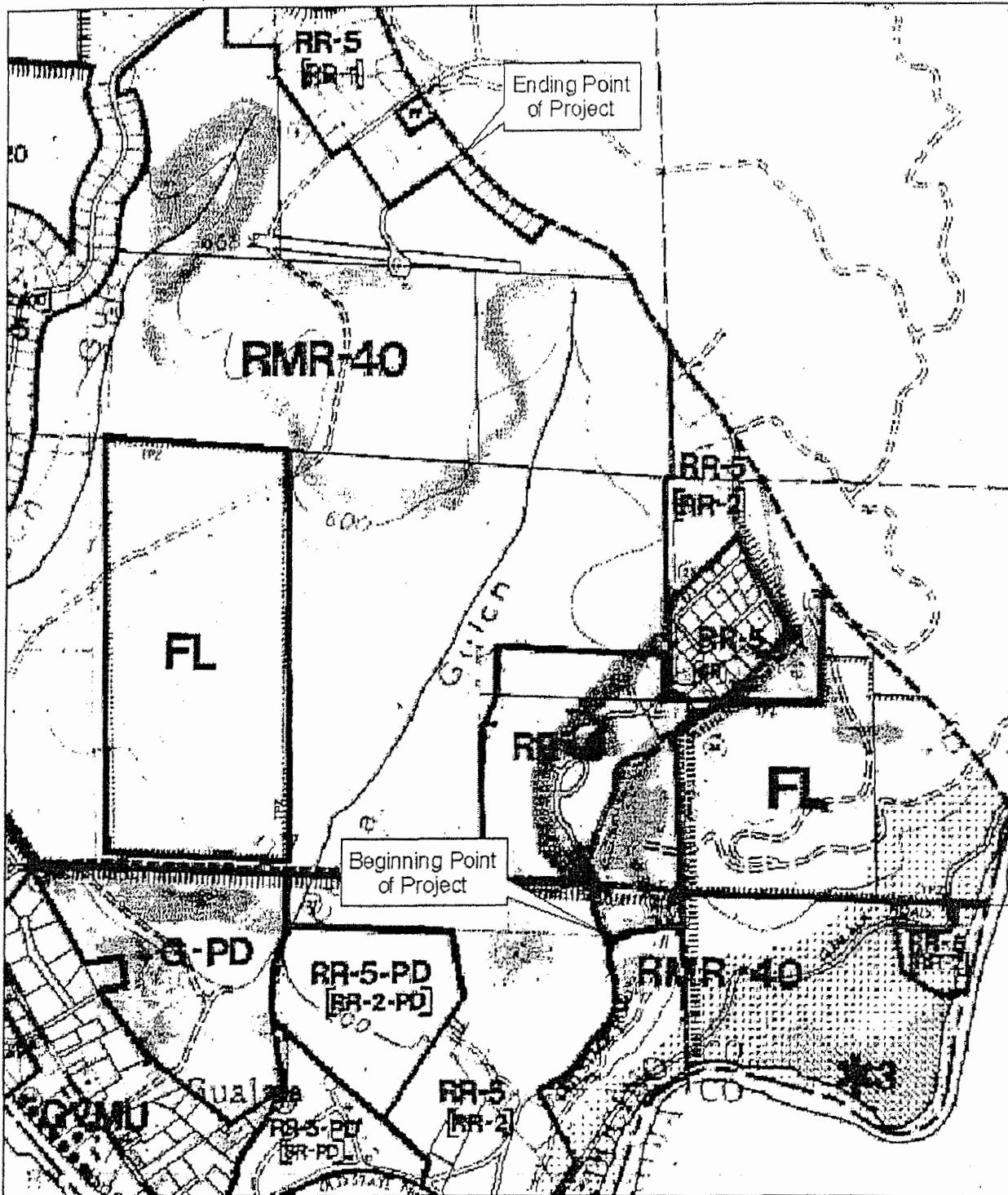




**ZONING DISPLAY MAP**

OWNER: MENDOCINO COUNTY DEPARTMENT OF TRANSPORTATION  
APPLICANT: GAULALA COMMUNITY SERVICES DISTRICT  
AGENT: RALSTON, Ernie  
CASE #: CDU 9-2005





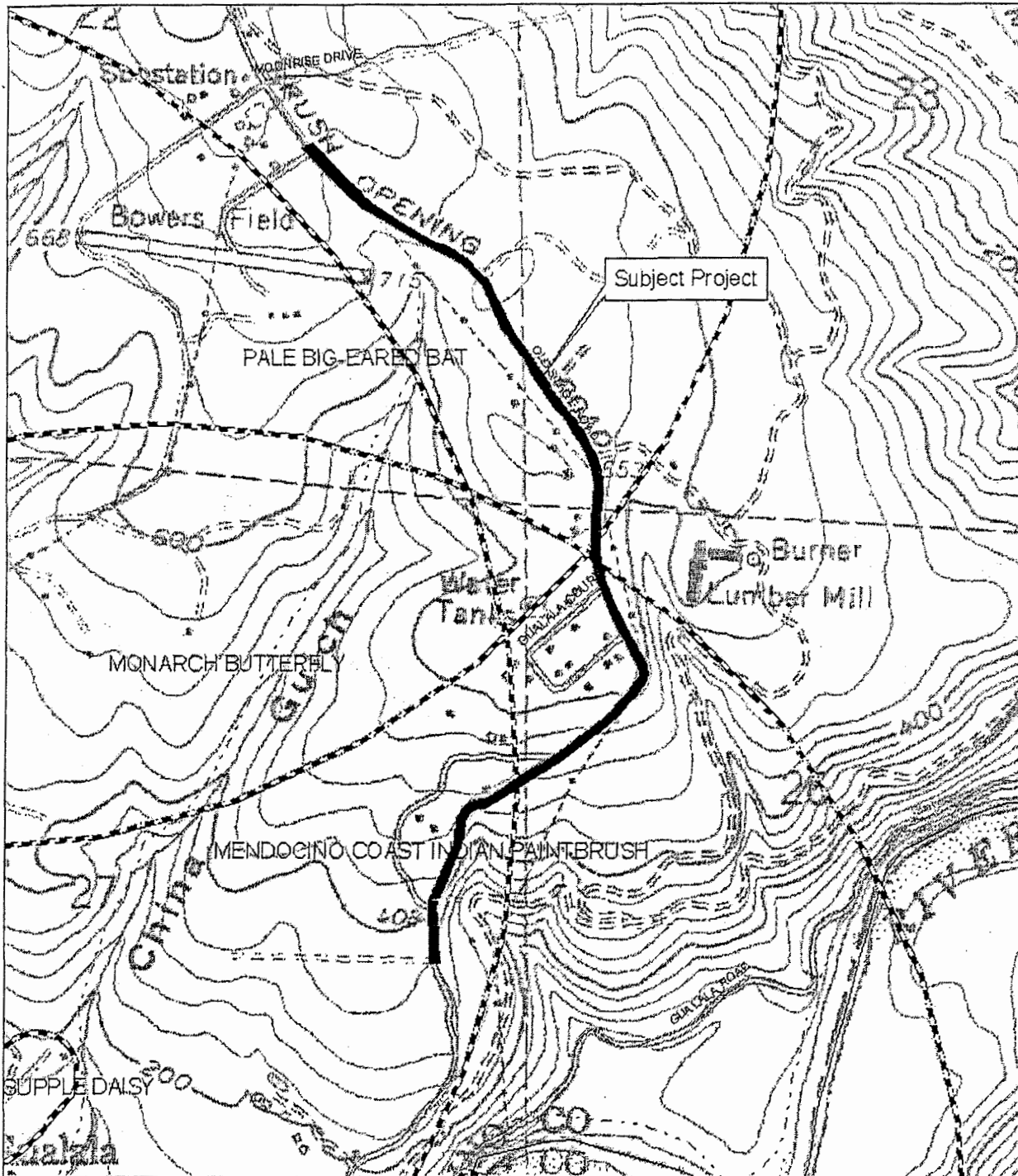
COASTAL ZONE LAND USE MAP

OWNER: MENDOCINO COUNTY DEPARTMENT OF TRANSPORTATION  
APPLICANT: GAULALA COMMUNITY SERVICES DISTRICT  
AGENT: RALSTON, Ernie  
CASE #: CDU 9-2005

Not To Scale

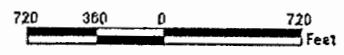






**CALIFORNIA NATURAL DIVERSITY  
DATABASE RAREFIND** (January 2005)

OWNER: MENDOCINO COUNTY DEPARTMENT OF TRANSPORTATION  
APPLICANT: GAULALA COMMUNITY SERVICES DISTRICT  
AGENT: RALSTON, Ernie  
CASE #: CDU 9-2005



## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE  
 710 E STREET, SUITE 200  
 EUREKA, CA 95501  
 VOICE (707) 445-7833 FAX (707) 445-7877



## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: See Attachment A

Mailing Address:

City:

Zip Code:

Phone:

SECTION II. Decision Being Appealed

1. Name of local/port government:

Mendocino County

2. Brief description of development being appealed:

Coastal Development Use (CDU) Permit #9-2005 to extend a 6-inch diameter wastewater main approximately 1.25 miles within the County road right-of-way from an existing Gualala Community Services District system to serve a proposed school in Gualala.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Approximately 1 mile northeast of Gualala, along a right-of-way segment beneath Old Stage Road (CR #502), beginning approximately 0.9 miles north of State Highway 1 at the intersection of Bodhi Tree Lane, and extending to an access road to the proposed Arena Union Elementary School at 39290 Old Stage Road.

4. Description of decision being appealed (check one.):

- Approval; no special conditions  
 Approval with special conditions:  
 Denial

RECEIVED

OCT 30 2007

CALIFORNIA  
 COASTAL COMMISSION

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
710 E STREET, SUITE 200  
EUREKA, CA 95501  
VOICE (707) 445-7833 FAX (707) 445-7877



**TO BE COMPLETED BY COMMISSION:**

APPEAL NO:

A-1-MENU-07-043

DATE FILED:

10/30/07

DISTRICT:

North Coast

2011

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: September 20, 2007

7. Local government's file number (if any): CDU 9-2005

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Gualala Community Services District  
P.O. Box 124  
Gualala, CA 95545

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Matrix Environmental Planning  
Attn: Ernie Ralston  
301-C East Street  
Healdsburg, CA 95448

(2) Mendocino County Department of Transportation  
340 Lake Mendocino Drive  
Ukiah, CA 95482

(3) Arena Union Elementary School District  
P.O. Box 87  
Point Arena, CA 95468

(4) Gualala Municipal Advisory Council  
P.O. Box 67  
Gualala, CA 95445

(5) Aspen Street Architects, Inc.  
P.O. Box 370  
Angels Camp, CA 95222

3 of 11

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

See Attachment B

4 of 11

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 4

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attachment B

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: GMA Signature on File by  
Appellant or Agent

Date: 10/30/07

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 4

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attachment B

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information <sup>n</sup> above are correct to the best of my/our knowledge.

Signed: [Signature]  
Appellant or Agent

Signature on File

Date: 10/30/07

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

6 of 11

ATTACHMENT A

SECTION I. Appellant(s)

1. Mary K. Shallenberger  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

Phone: (415) 322-0995

2. Sara J. Wan  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

Phone: (415) 904-5201

7911



## ATTACHMENT B

### APPEALABLE PROJECT:

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603). Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, or within 100 feet of any wetland or stream, or within 300 feet of the top of the seaward face of any coastal bluff, or those located in a sensitive coastal resource area. Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program and, if the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

The subject development is appealable to the Commission pursuant to Section 30603 of the Coastal Act because (1) the approved development is not designated the "principal permitted use" under the certified LCP, and (2) the approved development constitutes a major public works project.

### REASONS FOR APPEAL:

The County of Mendocino approved Coastal Development Use (CDU) Permit #9-2005 to extend a 6-inch diameter wastewater main approximately 1.25 miles within the County road right-of-way from an existing Gualala Community Services District system to serve a proposed school in Gualala. The approved development is located approximately one mile northeast of Gualala, along a right-of-way segment beneath Old Stage Road (CR #502), beginning approximately 0.9 miles north of State Highway 1 at the intersection of Bodhi Tree Lane, and extending to an access road to the proposed Arena Union Elementary School at 39290 Old Stage Road.

The approval of CDU #9-2005 by Mendocino County is inconsistent with the policies of the certified Local Coastal Program (LCP) including, but not limited to, the policies and standards regarding (1) concentration of new development within the urban side of the urban-rural boundaries where it can be served by community water and sewer systems, and (2) protection of lower cost visitor-serving and recreational facilities.

### LCP Policies:

Land Use Plan (LUP) Policy G3.1-2 in the Gualala Town Plan states the following:

8 of 11

*New development in the Gualala area shall be concentrated within the urban side of the urban-rural boundaries, where it can be served by community water and sewer systems and will minimize additional traffic impacts on Highway 1.*

**LUP Policy G3.1-1 in the Gualala Town Plan** states the following:

*The urban-rural boundary for the town of Gualala shall be coincident with the boundary lines delineated on Land Use Map 31.*

**LUP Policy G3.7-8 in the Gualala Town Plan** states the following:

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

**LUP Policy 3.7-5** states the following:

*The locations designated and types of use permitted are intended to result in accommodations of all price ranges, including lower cost ones such as campgrounds and hostels. Lower cost visitor and recreational facilities for persons and families of low and moderate income shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

**Discussion:**

The Gualala Community Services District (GCSD) wastewater treatment system was completed in 1993. According to the Sewer Service/Septic Availability discussion in the Gualala Town Plan segment of the LUP, the GCSD area encompasses approximately 1,430 acres, 550 acres of which area included in the initial Sewer Assessment District boundary. The Service/Assessment Area is roughly coincident with the urban/rural boundary designated in the LCP. LUP Policy G3.1-1 states that the urban-rural boundary for the town of Gualala shall be coincident with the boundary lines delineated on Land Use Map 31. The GCSD is divided into four zones, with Zone 1 and 2 being the commercial and residential development closest to the coast (within the initial Sewer Assessment District boundary, which more or less corresponds with the urban/rural boundary), and Zones 3 and 4 being those more easterly areas lying up the hill and along Old Stage Road, mostly outside of the urban/rural boundary. The subject project area is located within Zone 4, in the rural area outside the urban/rural boundary.

The approved development is inconsistent with the policies and standards of the certified LCP regarding development within Gualala, including but not limited to LUP Policy G3.1-2 in the Gualala Town Plan. This policy states in part, that new development in the Gualala area shall be concentrated within the urban side of the urban-rural boundaries, where it can be served by community sewer systems. The Gualala Town Plan area currently has significant development constraints in that sewer capacity is limited. The GCSD wastewater treatment system has a capacity of 625 Equivalent Single-Family Dwellings (ESDs), of which 460 were allocated as of October 1997. The remaining unused capacity as of 1997 was approximately 165 ESDs. The

9911

Gualala Town Plan points out that the remaining ESDs may not be sufficient to accommodate the demands for sewer connections for the 30-year planning horizon of the Town Plan. Using a 75/50 percent buildout scenario, buildout of residential uses under the existing LCP would require an additional 759 ESDs. Under this scenario, the remaining capacity of the GCSD treatment plant would be exceeded. When 500 ESDs are in use, the GCSD is required by the State Water Resources Control Board to initiate plans for wastewater treatment plant expansion. The County, in its approval of the subject development, failed to address the remaining capacity of the GCSD wastewater treatment facility and what percentage of the remaining capacity would be devoted to the proposed school.

As approved, the sewer line extension project can accommodate more development outside of the urban/rural boundary than just the school itself. The County-approved service extension is sized larger than necessary to serve the proposed school, as evidenced in the January 2005 Initial Study and Mitigated Negative Declaration prepared for the project by GCSD's consultant, Matrix Environmental Planning. The Initial Study states the following:

“Even though the 6-inch diameter pipe is sized to meet future expansion of the wastewater collection system into the adjacent unserved District service territory, GCSD feels it is fiscally and environmentally prudent to avoid installation of a second pipeline if and when service is extended into the adjacent unserved territory....” (Page 1-1)

Thus, the capacity of the approved sewer line will accommodate an unspecified amount of additional development in Zone 4 and 3 within the rural area, outside of the service area of the district. The County's conditions of approval do not preclude hookups to the sewer line by other development. To the contrary, Special Condition No. B-10 provides a mechanism for residential connections to be made to the new sewer line. Special Condition No. B-10 states as follows:

“The proposed wastewater pipeline is specifically limited to providing wastewater service to the proposed Gualala Elementary School. No residential connections to this extended line may be provided unless approved by the County of Mendocino, priority should be given to failed septic systems in the area.”

This condition is principally aimed at prohibiting growth inducement, and a lengthy discussion of the project's growth inducement potential is included in the County staff report. However, the condition still allows for future residential hook-ups to the service extension, subject to County approval. Given the limited remaining capacity of the sewer system, hookups allowed outside of the service area and urban area may come at the expense of hookups for development within the urban area and within the service area of the District. Therefore, the project as approved, which facilitates additional residential growth outside of the urban/rural boundary is inconsistent with LUP Policy G3.1-2, as development would not be concentrated within the urban side of the urban-rural boundary.

By facilitating development on the rural side of the urban/rural boundary, the project as approved is also inconsistent with LUP Policies 3.7-5 and G3.7-8. These policies state that lower cost visitor and recreational facilities shall be protected and encouraged, and development providing public recreational opportunities is preferred. The zoning districts that allow for lower cost

10911

visitor and recreation opportunities within the Gualala area are located on the urban side of the urban/rural boundary. Facilitating hookups for residential development outside of the urban/rural boundary would reduce the limited remaining sewer capacity available for priority visitor serving and recreational uses within the urban zoning districts. Therefore, the approved development would not protect and encourage the development of lower cost visitor and recreation facilities, inconsistent with LUP Policies 3.7-5 and G3.7-8.

**CONCLUSION:**

The project, as approved by Mendocino County, is inconsistent with the policies of the certified LCP, including, but not limited to the following:

- LUP Policy G3.1-2, which requires concentration of new development in the Gualala area within the urban side of the urban-rural boundaries where it can be served by the community sewer systems and will minimize additional traffic impacts on Highway 1; and
- LUP Policies 3.7-5 and G3.7-8, which require the protection of lower cost visitor and recreational facilities.

11 of 11

**Table 1-1. Summary of Impacts and Mitigation Measures**

Environmental Impact	Mitigation Measure
<p><b>GEOLOGY &amp; SOILS:</b> The outer portion of Old Stage Road at approximate Mile Post 0.65 has a history of instability. Should the outer portion of this road segment fail, the proposed wastewater pipeline might rupture and result in the discharge of untreated wastewater.</p>	<p><b>GEO 1</b> The Mendocino County Department of Transportation Encroachment Permit Procedures require that plans for any sanitary sewage facilities to be constructed within the County Road right-of-way shall be prepared by a properly Registered Civil Engineer. The Civil Engineer preparing the plans will review the facility route and have any potentially unstable areas reviewed by a qualified Registered Geotechnical Engineer, at his discretion. The Civil Engineer preparing the plans shall recommend and incorporate into the plans appropriate measures to minimize the impact of the proposed facility on any unstable areas and incorporate design features, such as pipeline location and materials, which minimize the risk of pipeline rupture should the road fail.</p>
<p><b>BIOLOGICAL RESOURCES:</b> Since plant surveys were not conducted during the appropriate season, populations of protected plants may be present adjacent to the construction work area which could be impacted by construction.</p>	<p><b>BIO 1</b> Botanical surveys will be conducted during the appropriate flowering season for the five of the six special status plants identified with potential to occur in the project area. (Since the <i>Lycopodium clavatum</i> would only be found in the wetland area which will be protected by mitigation measure BIO 2, a survey for this species will not be required.) If the plants are found to be present adjacent to the construction work area, the population will be protected with the installation of exclusion fencing.</p>
<p>Encroachment of construction activities on the wetland area associated with the China Gulch drainage.</p>	<p><b>BIO 2</b> Exclusion fencing will be installed and maintained during construction along the east side of Old Stage Road where it is adjacent to the wetland area to contain the construction activity within the work area and preclude inadvertent encroachment on this sensitive habitat.</p>
<p>Passerines nesting within 75 feet of the road may be affected by construction which could cause them to abandon or avoid their nests, resulting in a failure to lay eggs or mortality of the chicks from neglect.</p>	<p><b>BIO 3</b> To prevent take of individuals, a nesting bird survey will be conducted one week prior to ground breaking if construction is to occur between the months of February 15 and August 31. If nesting birds are found, the California Department of Fish and Game will be consulted as to the appropriate resolution.</p>

203

**Environmental Impact**                      **Mitigation Measure**

HAZARDS & HAZARDOUS MATERIALS:

Potential spillage or release during the temporary storage, use and disposal of the small quantities of hazardous materials.

**HAZ 1**

The construction contractor will ensure that:

- Equipment fueling and service are conducted either at a designated location at the staging area at the proposed school site or at local gas stations and repair shops.
- Any spills resulting from fueling or hydraulic line breaks will be contained and cleaned up immediately.
- During construction activities, equipment shall be maintained and kept in good operating condition to reduce the likelihood of line breaks and leakage.
- Fluids drained from machinery during services at staging areas shall be collected in leak-proof containers and disposed of at appropriate disposal or recycling facilities.
- No refueling or servicing shall be done without absorbent material (e.g., absorbent pads, mats, socks, pillows, and granules) or drip pans underneath to contain spilled material.
- If contaminated soils are encountered during construction, proper storage and/or disposal of any soils that meet the definition of a hazardous waste shall be provided. Such soils will be removed for off-site treatment or disposal at an appropriate landfill.

TRANSPORTATION & CIRCULATION:      **TRANS 1**  
 Emergency access to residences may be blocked during construction.

The construction contractor will ensure that provisions will be available at all times to accommodate emergency vehicles at locations where access to adjacent properties may be blocked. Such measures could include the use of steel plates over excavations, short detours, and/or alternate routes.

<b>Environmental Impact</b>	<b>Mitigation Measure</b>
<p><b>CULTURAL RESOURCES:</b> Since construction is expected to excavate to a depth of six-feet in some zones, the possibility of finding buried cultural or paleontological resources exists, and the project activity could damage and or destroy these resources.</p>	<p><b>CULTURAL 1</b> The following language will be included in the construction contract documents to protect such resources inadvertently discovered: "Should previously unidentified cultural resources (e.g., chipped or flaked stone objects, ground stone artifacts, bone items, marine shell, etc.) be encountered during construction, work within 100 feet of the find shall stop until such time that a qualified archaeologist can evaluate the find and make appropriate recommendations for mitigation, if warranted. Notification of the discovery, including the archaeologist's evaluation, shall be provided to the Mendocino County Director of Planning and Building Services. If the find includes bones or any other human remains, the Mendocino County Sheriff-Coroner shall immediately be notified."</p>
<p><b>CULTURAL 2</b></p>	<p>If the find is significant, the resource shall be avoided. If avoidance is not possible, a meeting with the contractor, GCSD and other agency personnel shall be held to discuss data recovery and/or other measures as possible mitigation. Data recovery may be considered appropriate mitigation when it reduces a significant impact to a less than significant level, but this would be dependent upon the value of the discovered resource.</p>
<p><b>CULTURAL 3</b></p>	<p>The following language will be included in the construction contract documents to protect paleontological resources inadvertently discovered: "In the event that fossil remains are encountered during project construction, construction within 100 feet of the find shall be temporarily halted or diverted until such time that a qualified vertebrate paleontologist examines the discovery." If such resources are discovered, the paleontologist shall notify GCSD and the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find and procedures for salvage and disposition of the fossils.</p>

3  
90  
63

**Gualala Community Services District**

**P.O. Box 124  
Gualala, CA 95445  
(707) 785-2331  
Fax: (707) 785-3845**

February 19, 2008

Melissa B. Kraemer, Coastal Planner  
California Coastal Commission  
North Coast District Office  
PO Box 4908  
Eureka, CA 95502-4908

**RECEIVED**

FEB 21 2008

CALIFORNIA  
COASTAL COMMISSION

EXHIBIT NO. 8

APPEAL NO.

A-1-MEN-07-043

GUALALA COMMUNITY  
SERVICES DISTRICT

APPLICANT'S  
CORRESPONDENCE (1 of 2)

Dear Ms. Kraemer:

This letter is our response to your letter of December 17, 2007, with regard to Appeal No. A-1-MEN-07-043

Your question: How many of the 165 ESDs estimated to be remaining in 1997 are currently remaining in the GCSD wastewater treatment system? Furthermore, how sufficient is the current remaining capacity to accommodate demands for sewer connections for the 30 year planning horizon of the town plan.

Response: About 135 ESDs remain. The adequacy of our capacity is very difficult to determine for several reasons, the two most important: (1) sewer technology and regulations are constantly changing, (2) GCSD also processes water for CSA#6 of the Sonoma County Water District under a TriParty Agreement with CSA#6 and the Sea Ranch Golf Course. The Tri-Party Agreement will soon be going to court due to non-payment by the golf course. If GCSD is not required to continue processing water from CSA #6, it will effectively double GCSD's capacity for handling Gualala sewer connections. The school is estimated at 20ESDs, which is currently 12% of capacity but would be insignificant in that case since expansion to zones 3&4 and the school would be easily accommodated.

The above response also answers your second question: what are school ESD requirements and what is their effect on the 30 year Town Plan time horizon.

Your question: How many ESDs would be needed to serve failing rural on-site septic systems along the proposed extension line. Furthermore, how would connecting these failed on-site systems to the GCSD wastewater treatment system affect its ability to accommodate the demands for sewer connections for the 30 year time horizon of the town plan?

Response: Our application does not include failed septic systems. This would be a county requirement and could be lifted. However the current maximum number of residential



hookups that could possibly be connected to the extension is 36; each would be less than 1% of capacity.

Your question: How would connections to the school and failed rural on-site septic systems along the proposed extension line affect the ability of the GCSD wastewater treatment system to accommodate visitor-serving and recreational uses within the urban zoning districts?

Response: We know of no plans for future expansion of visitor-serving or recreational uses except possibly the Gualala Redwoods Campground if their septic system fails. This is a seasonal facility and no other visitor-serving or recreational facilities have been forecasted.

Your question: How can the proposed project be found consistent with the recommendation of Winzler & Kelly report (2003) that the remaining capacity of the wastewater treatment system be reserved for future growth in zones 1 & 2?

Response: We asked the engineer who prepared the report for Winzler & Kelly why he volunteered this recommendation, given that it was not part of his charge and other priority recommendations were equally possible, such as reserving capacity for zones 3&4 or for Gualala rather than CSA#6. He responded: "I believe I made that statement to make sure that the system had sufficient capacity to serve the future connections in zones 1 and 2 who should be able to connect in the future."

Your final question was in the next-to-last paragraph: effectively how would we prevent frac-out and possible release of drilling fluids into the environment.

Response: We questioned an engineering company on how these things could be accomplished. They offered to determine how both could be accomplished at a cost of \$3,000 to \$4,000, however they added two disclaimers: "Geotechnical work would not include any subsurface exploration," and "Our scope of work does not include evaluation of any potential hazardous waste contamination of the soil or groundwater at the site." This is as far as we went due to the cost considerations.

We hope these responses reasonably satisfy your requirements for evaluating the sewer system aspects of the proposal.

Sincerely,



Bruce Jones, Director  
Gualala Community Services District

292